

Representation

This policy requires development to provide for the infrastructure necessary to support it. With regard to wastewater infrastructure provision, this is applicable in some, but not all cases. As explained in Paragraph: 004 Reference ID: 34-004-20161116 of the Planning Practice Guidance (PPG), strategic wastewater infrastructure, such as wastewater treatment works, is funded by water companies to meet the demands of projected population growth through the water industry's 5 yearly price review process, whilst local wastewater infrastructure, such as that required to accommodate flows from an individual development site, is provided by developers.

Southern Water may, during the lifetime of the Local Plan, need to deliver new or improved utility infrastructure either to meet the needs of the community as a whole (and as a result of cumulative, rather than individual development), or to meet stricter environmental standards in the treatment of wastewater. Such infrastructure would be funded and delivered by Southern Water through the price review process.

Therefore Policy LP10 as currently worded omits support for the provision of essential strategic infrastructure by infrastructure providers, which needs to be supported in tandem with the site specific need for infrastructure generated by individual development. As such, Policy LP10 is unsound as it does not adequately reflect the requirements of the National Planning Policy Framework (NPPF), which states in paragraph 156 that Local Plans should include strategic policies to deliver 'the provision of infrastructure for [...] water supply, wastewater'. In addition, the NPPG states that 'Adequate water and wastewater infrastructure is needed to support sustainable development'.

Delivery of the required wastewater infrastructure needed to support sustainable development is dependent on planning policies that support its delivery through both mechanisms; by development to support its own needs, and by infrastructure providers to support the needs of the wider community. Policy LP10 is therefore not positively prepared, as it does not proactively seek to meet infrastructure requirements

Modification

In order to address the soundness of Policy LP10, with particular regard to conformity with Paragraph 156 of the NPPF, we recommend the following addition to Policy LP10:

'Proposals for new and improved utility infrastructure will be permitted in accordance with the relevant policies in this Local Plan.'

Representation

Southern Water understands and supports in principle the inclusion of a policy aimed at protecting future residents of new development from existing air pollution in order to minimise the risk that certain air pollutants pose to human health.

However, we consider that 'air quality' can be diminished not only by pollutants that are harmful to health, but also those that, whilst posing no risk to health, can have impacts on amenity and quality of life such as odour. This is supported by Paragraph 120 of the NPPF which states: 'To prevent unacceptable risks from pollution [...], planning policies and decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account'. Annex 2 of the NPPF establishes that pollution includes odour.

In addition, the National Policy Statement for Wastewater (paragraph 4.3.14) states: 'It is important for the decision maker to consider the impact of odour emissions from waste water infrastructure not from the narrow perspective of nuisance but to consider the broader impact on amenity'. Paragraph 4.3.1 adds: 'Odours from waste water infrastructure can have a significant adverse impact on the quality of life of individuals and communities'.

Southern Water endeavours to operate its wastewater treatment works efficiently and in accordance with best practice to prevent pollution. However, unpleasant odours inevitably arise as a result of the treatment processes that occur. Policy LP20 is informed by an Air Quality Assessment, which does not take account of the impact of odour on sensitive receptors such as housing, hospitals or schools introduced by new development in close proximity to a source of odour, such as an existing wastewater treatment works.

In addition, the interpretation of 'unacceptable risk' as included in paragraph 2 of the Policy, when read in conjunction with the supporting text and background evidence, could be interpreted as relating only to health. Paragraph 109 of the NPPF establishes that 'The planning system should contribute to and enhance the natural and local environment by:... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...'

We therefore consider this policy is unsound as it is not consistent with national policy in that it has not considered the full range of potential impacts and definitions of poor air quality.

Modification

To address the above and ensure that Policy LP20 is consistent with National Policy, we recommend the following amendment to part (2) of the Policy:

'2. Development that would introduce new receptors into an area of poor air quality will not be permitted unless the proposals incorporate acceptable measures to ensure those receptors would not be subject to unacceptable risk as a result of, or be adversely affected by, poor air quality.'

Representation

This site allocation identifies two separate areas for housing development; the 'strategic site' for 900 dwellings adjacent to Eccles Village, and the wider 'Area of Opportunity', also referred to as the 'masterplan area', which will accommodate a further 614 dwellings post 2031. We therefore set out our comments in relation to these areas separately according to issues identified by Southern Water.

a) Strategic Site (900 dwellings)

The earlier version of the Local Plan, 'The Way Forward' sent out for consultation in August 2016, did not identify housing numbers for this site at the time and Southern Water was therefore unable to assess its likely impact on the sewerage network. Now that numbers have been established, Southern Water has undertaken a desk study of the impact that additional foul flows generated by this site would have on the existing public sewer network. This assessment reveals that there is limited capacity at this site's "practical point of connection", as defined in the New Connections Services (<https://www.southernwater.co.uk/infrastructure-charges>) and as a result, network reinforcement will be required in advance of occupation.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of the necessary infrastructure.

Unless planning policies support delivery of necessary underground sewerage infrastructure there is a risk that it will not be delivered in parallel with the development, leading to an unacceptable risk of foul water flooding in the area to both new and existing residents. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

In addition, our assessments revealed that Southern Water's underground infrastructure crosses the site, and this needs to be taken into account when designing the site layout. An easement would be required, which may affect the site layout or require diversion. This easement should be clear of all proposed buildings and substantial tree planting.

b) Area of Opportunity (614 dwellings)

Southern Water notes that the boundary of this larger area almost entirely surrounds Aylesford Wastewater Treatment Works (WTW), and is only prevented from doing so by the River Medway. It also incorporates the main operational access to the site.

Southern Water endeavours to operate its WTWs efficiently and in accordance with best practice to prevent pollution. However, unpleasant odours inevitably arise as a result of the treatment processes that occur. Our concern is that the proximity of any 'sensitive' development to the WTW, such as housing, would have an unacceptable impact on the amenity of the site's future occupants arising from the WTW's essential operational activities. Such impacts may include odour from wastewater processing, and noise and vibration from HGV movements and pumping.

In a recent decision in which an appeal against the local authority's decision to refuse a proposed housing development on land adjacent to Gillingham WTW was dismissed (ref APP/N1215/W/15/3005513), the Inspector determined that development should only be permitted outside a modelled contour line of 3 odour units per cubic

metre, and that in this particular case most of the site was found to lie within that contour. The Inspector thus concluded that 'the site is an inappropriate location for development in terms of the effects of its air quality on the living conditions of potential future occupants'.

Having regard to the above, it is essential that the location of any sensitive development within the Area of Opportunity should be informed by a noise and odour assessment, to ensure there is adequate separation from the WTW. This will ensure that Policy LP27 is in line with the following government policies and guidelines (our highlights):

- National Planning Policy Framework paragraph 120: 'To prevent unacceptable risks from pollution [...], planning policies and decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account'. Annex 2 of the NPPF establishes that pollution includes odour and noise.
- National Planning Practice Guidance Reference ID: 34-005-20140306: plan-making may need to consider whether new development is appropriate near to sites used (or proposed) for water and wastewater infrastructure (for example, odour may be a concern).
- The Institute of Air Quality Management (IAQM) 'Guidance on the assessment of odour for planning'. IAQM states that the guidance contains best practice and 'it is hoped it will assist with and inform current and future planning appeals 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 landThe planning system has the task of guiding development to the most appropriate locations: ideally, significant sources of odour should be separated from odour-sensitive users of the surrounding land.'

Modification

Without amendment, Southern Water considers that Policy LP27 is unsound on the basis that it is not positively prepared or justified, since it does not take into account the Southern Water's evidence relating to infrastructure capacity, and as a consequence does not effectively seek to meet site specific infrastructure requirements.

Furthermore, the policy is contrary to National Policy having regard to the need to prevent new development from being adversely affected by pollution (paragraph 109 NPPF).

To ensure Policy LP27 is sound, we therefore recommend the following additions:

- '7.Occupation of the development is to be phased to align with the delivery of sewerage infrastructure, in collaboration with the service provider.
8. Layout of development will allow future access to existing wastewater infrastructure for maintenance and upsizing purposes.
- 9.The masterplan will need to ensure sufficient distance between Aylesford Wastewater Treatment Works and its access road, and sensitive land uses on the basis of a noise and odour assessment, to be undertaken in consultation with Southern Water.'

Representation

The earlier version of the Local Plan, 'The Way Forward' sent out for consultation in August 2016, did not identify housing numbers for this site at the time, and Southern Water was therefore unable to assess its likely impact on the sewerage network. Now that numbers have been established, Southern Water has undertaken a desk study of the impact that additional foul flows generated by this site would have on the existing public sewer network. This assessment reveals that there is limited capacity at this site's "practical point of connection", as defined in the New Connections Services (<https://www.southernwater.co.uk/infrastructure-charges>) and as a result, network reinforcement will be required in advance of occupation.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of the necessary infrastructure.

Unless planning policies support delivery of necessary underground sewerage infrastructure there is a risk that it will not be delivered in parallel with the development, leading to an unacceptable risk of foul water flooding in the area to both new and existing residents. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

Modification

To ensure Policy LP28 is sound in accordance with National Policy, in particular Paragraph 109 of the NPPF, we therefore recommend the following addition:

'8.Occupation of the development is to be phased to align with the delivery of sewerage infrastructure, in collaboration with the service provider.'

Representation

The earlier version of the Local Plan, 'The Way Forward' sent out for consultation in August 2016, did not identify housing numbers for this site at the time and Southern Water was therefore unable to assess its likely impact on the sewerage network. Now that numbers have been established, Southern Water has undertaken a desk study of the impact that additional foul flows generated by this site would have on the existing public sewer network. This assessment reveals that there is limited capacity at this site's "practical point of connection", as defined in the New Connections Services (<https://www.southernwater.co.uk/infrastructure-charges>) and as a result, network reinforcement will be required in advance of occupation.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of the necessary infrastructure.

Unless planning policies support delivery of necessary underground sewerage infrastructure there is a risk that it will not be delivered in parallel with the development, leading to an unacceptable risk of foul water flooding in the area to both new and existing residents. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

In addition, our assessment revealed that Southern Water's underground infrastructure crosses the site, and this needs to be taken into account when designing the site layout. An easement would be required, which may affect the site layout or require diversion. This easement should be clear of all proposed buildings and substantial tree planting.

Modification

To ensure Policy LP28 is sound in that it accords with National Policy, in particular Paragraph 109 of the NPPF, we recommend the following additions:

'10. Occupation of the development is to be phased to align with the delivery of sewerage infrastructure, in collaboration with the service provider.

11. Layout of development will allow future access to existing wastewater infrastructure for maintenance and upsizing purposes.'

Representation

The earlier version of the Local Plan, 'The Way Forward' sent out for consultation in August 2016, did not identify housing numbers for this site at the time, and Southern Water was therefore unable to assess its likely impact on the sewerage network. Now that numbers have been established, Southern Water has undertaken a desk study of the impact that additional foul flows generated by this site would have on the existing public sewer network. This assessment reveals that there is limited capacity at this site's "practical point of connection", as defined in the New Connections Services (<https://www.southernwater.co.uk/infrastructure-charges>) and as a result, network reinforcement will be required in advance of occupation.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of the necessary infrastructure.

Unless planning policies support delivery of necessary underground sewerage infrastructure there is a risk that it will not be delivered in parallel with the development, leading to an unacceptable risk of foul water flooding in the area to both new and existing residents. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

In addition, our assessment revealed that Southern Water's underground infrastructure crosses the site, and this needs to be taken into account when designing the site layout. An easement would be required, which may affect the site layout or require diversion. This easement should be clear of all proposed buildings and substantial tree planting.

Modification

To ensure Policy LP30 is sound in that it accords with National Policy, in particular Paragraph 109 of the NPPF, we recommend the following additions:

'12. Occupation of the development is to be phased to align with the delivery of sewerage infrastructure, in collaboration with the service provider.

13. Layout of development will allow future access to existing wastewater infrastructure for maintenance and upsizing purposes.'

Representation

The earlier version of the Local Plan, 'The Way Forward' sent out for consultation in August 2016, did not identify housing numbers for this site at the time, and Southern Water was therefore unable to assess its likely impact on the sewerage network. Now that numbers have been established, Southern Water has undertaken a desk study of the impact that additional foul flows generated by this site would have on the existing public sewer network. This assessment reveals that there is limited capacity at this site's "practical point of connection", as defined in the New Connections Services (<https://www.southernwater.co.uk/infrastructure-charges>) and as a result, network reinforcement will be required in advance of occupation.

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Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of the necessary infrastructure.

Unless planning policies support delivery of necessary underground sewerage infrastructure there is a risk that it will not be delivered in parallel with the development, leading to an unacceptable risk of foul water flooding in the area to both new and existing residents. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

In addition, our assessment revealed that Southern Water's underground infrastructure crosses the site, and this needs to be taken into account when designing the site layout. An easement would be required, which may affect the site layout or require diversion. This easement should be clear of all proposed buildings and substantial tree planting.

Modification

To ensure Policy LP31 is sound in that it accords with National Policy, in particular Paragraph 109 of the NPPF, we recommend the following additions:

'8. Occupation of the development is to be phased to align with the delivery of sewerage infrastructure, in collaboration with the service provider.

9. Layout of development will allow future access to existing wastewater infrastructure for maintenance and upsizing purposes.'

Representation

Southern Water is the statutory wastewater undertaker throughout Tonbridge & Malling. The boundary of the proposed 'Area of Opportunity' surrounds Aylesford Wastewater Treatment Works (WTW) on three sides, with the River Medway completing the fourth. Aylesford WTW is a regionally important facility, and Southern Water has concerns regarding the potential of this allocation to bring development up to the perimeter of its WTW site. If not appropriately managed, this could lead to the establishment of incompatible neighbouring land uses which may constrain any future expansion or intensification of on-site activities that are likely to be required to accommodate long term housing growth. These concerns are also addressed in our representations on Policy LP27.

In addition, the 'Area of Opportunity' boundary adjoins the eastern and southern sides of Southern Water's Burham Water Supply Works (WSW) and incorporates the adjacent reservoir which is associated with the operation of the WSW.

Section 5.2 of the supporting text to Policy LP33, entitled 'How will long-term housing needs beyond the Plan period be addressed?', signals the intention of the policy to safeguard land that is not constrained by Green Belt designation in order 'to address longer-term development needs'. Under such a heading, we assume 'development needs' relates to housing. Southern Water is concerned that without clearer definition as to the scope of development that may be permitted within the Area of Opportunity, restrictions to any future development of Burham WSW and its associated infrastructure, and Aylesford WTW may be imposed.

Therefore, as currently worded, Policy LP33 may restrict the ability of Southern Water to develop Aylesford WTW or Burham WSW if necessary. Future works may be required in order to meet stricter environmental standards and/or accommodate growth. Imposing such constraints would be contrary to Paragraph 157 of the National Planning Policy Framework (NPPF), which requires Local Plans to 'plan positively for the development and infrastructure required in the area' (our highlight). In addition, the NPPG states that 'Adequate water and wastewater infrastructure is needed to support sustainable development'.

Modification

In order to clarify the purposes of an 'Area of Opportunity' for development beyond the Plan period, and ensure that Policy LP33 is consistent with National Policy, in particular Paragraph 157 of the NPPF, Southern Water recommends the following amendment:

'1. The following areas, as defined on the proposals map, are identified as areas of opportunity to help address the future longer-term development and infrastructure needs of the borough beyond 2031:'