



Mrs. J. McInnes
Parish Clerk
Herstmonceux Village Hall
Halisham Road
Herstmonceux
East Sussex
BN27 4JX

Your Ref:

Our Ref:

Date:
23rd January 2014

Contact:
Tel: 01273 663143

Dear Mrs. McInnes,

Herstmonceux Parish Neighbourhood Plan 2014-2027 – Pre-submission

We welcome the opportunity to comment on the above named document.

Southern Water is the statutory sewerage undertaker for Herstmonceux. Southern Water has a statutory duty to serve new development, and is committed to providing the right wastewater infrastructure in the right place at the right time. The adopted Herstmonceux Neighbourhood Plan and adopted Wealden Core Strategy 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. The next price review is in 2014. Ofwat'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.

Strategic infrastructure, such as extensions to wastewater treatment works, can be planned and funded through the price review process, and coordinated 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 system at the nearest points of adequate capacity. This may require off-site infrastructure if the nearest point is not located within the immediate vicinity of the site. Southern Water would take future income from customers into account, so that the developer would only need to fund a proportion of the total cost.

Please find following our response in respect of your specific policies. In summary, we seek policy provision to ensure that there is adequate infrastructure to service development and also support for the provision of utility infrastructure, in line with Wealden's adopted Core Strategy Local Plan and the Government's planning policies contained in National Planning Policy Framework.

Southern Water, Southern House, Lewes Road, Brighton BN1 9PY. www.southernwater.co.uk

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. We would be grateful if you could keep us informed of any future progress.

Yours faithfully,

Clare Gibbons
Development Manager

Policy 4: Lime Cross, Herstmonceux

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Policy 4 allocates land at Lime Cross for a housing development of up to 70 dwellings. In line with paragraph 162 of the National Planning Policy Framework (NPPF), we have undertaken an assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for this development. That assessment reveals that the local sewerage system has limited capacity so the development would need to make a connection at the nearest point of adequate capacity. This is not a constraint to development providing planning policy supports the provision of the necessary local infrastructure and wastewater treatment infrastructure, in phase with the development.

If development is permitted to proceed before the capacity is available or where there is inadequate capacity in the network, then the system would become overloaded, leading to pollution of the environment. 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. The overloading of the system would also be mitigated by surface water not being disposed of in the sewerage network.

There is a risk that the necessary local sewerage infrastructure or treatment capacity will not be delivered in time to service the proposed development, unless delivery is supported by planning policies and subsequently in planning conditions. One of the core planning principles identified in 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'*. Our approach is also supported by paragraph 21 of the NPPF, which states that planning policies should recognise and seek to address any lack of infrastructure. This is also endorsed by Policy WCS7 (Effective Provision of Infrastructure) of Wealden's adopted Core Strategy Local Plan which specifies that *'The release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development. Where development would create the need to provide additional or improved community facilities, services and infrastructure to mitigate its impact, a programme of delivery must be agreed with the relevant infrastructure providers which will ensure that these improvements are provided at the time they are needed'*.

Proposed amendment

To ensure consistency with the NPPF and adopted Wealden Core Strategy Local Plan, we propose the following criteria are added to policy 4:

- (vii) *the scheme will need to provide a connection to the nearest point of adequate capacity, as advised by Southern Water and it should be demonstrated that there is sufficient wastewater treatment capacity to serve the new development;*

- (viii) *the scheme should incorporate measures to manage surface water drainage so that it does not enter the sewerage network;*

Policy 5: Strawberry Field, Windmill Lane

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Policy 5 allocates land at Strawberry Field, Windmill Hill for housing development of up to 20 dwellings. In line with paragraph 162 of the National Planning Policy Framework (NPPF), we have undertaken an assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for such a development. That assessment reveals that currently there is limited spare capacity in the local sewerage system in the vicinity of this site, so the development would need to make a connection at the nearest point of adequate capacity. This is not a constraint to development providing planning policy supports the provision of the necessary local infrastructure and wastewater treatment infrastructure, in phase with the development.

If development is permitted to proceed before the capacity is available or where there is inadequate capacity in the network, then the system would become overloaded, leading to pollution of the environment. 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. The overloading of the system would also be mitigated by surface water not being disposed of in the sewerage network.

There is a risk that the necessary local sewerage infrastructure will not be delivered in time to service the proposed developments, unless delivery is supported by planning policies and subsequently in planning conditions. One of the core planning principles identified in 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'*. Our approach is also supported by paragraph 21 of the NPPF states that planning policies should recognise and seek to address any lack of infrastructure. This is also endorsed by Policy WCS7 (Effective Provision of Infrastructure) of Wealden's adopted Core Strategy Local Plan which specifies that *'The release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development. Where development would create the need to provide additional or improved community facilities, services and infrastructure to mitigate its impact, a programme of delivery must be agreed with the relevant infrastructure providers which will ensure that these improvements are provided at the time they are needed'*.

Proposed amendment

To ensure consistency with the NPPF and Wealden's adopted Core Strategy Local Plan, we propose the following additional criteria are added to policy 5:

- (v) *the scheme will need to provide a connection to the nearest point of adequate capacity, as advised by Southern Water.*
- (vi) *the scheme should incorporate measures to manage surface water drainage so that it does not enter the sewerage network.*

Policy 6: Land at Cowbeech **Page 27**

Policy 6 supports proposals for the redevelopment of commercial land at Cowbeech for up to 10 dwellings. In line with paragraph 162 of the National Planning Policy Framework (NPPF), we have undertaken an assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for this development. That assessment reveals that currently there is capacity in the local sewerage system in the vicinity of this site to accommodate the ten proposed units. There is a foul sewer connection into the site and access to the public sewer must be protected. The existing below ground infrastructure should be taken into account when developing development proposals and early consultation with Southern Water would be welcomed.

Measures to ensure that surface water does not enter the sewerage network are encouraged. This will help mitigate the impact on the sewerage system and prevent overloading of the system, which would have a detrimental impact on the environment, contrary to paragraph 109 of the National Planning Policy Framework (NPPF).

Proposed amendment

We propose the following additional criteria are added to policy 6:

- (vi) *the scheme should ensure that existing sewerage infrastructure is protected and future access will be required for maintenance and upsizing purposes.;*
- (vii) *the scheme should incorporate measures to manage surface water drainage so that it does not enter the sewerage network.*

Policy 13: Local Green Spaces **Page 36**

Southern Water understands Herstmonceux Parish Council's desire to protect areas of open space. However, we can not support the current wording of this proposal 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, special circumstances exist in relation to provision of essential wastewater or sewerage infrastructure (e.g a new pumping station) required to serve new and existing customers. This is because there are limited options available with regard to location, as the infrastructure would need to connect into existing networks. The draft National Planning Practice Guidance recognises this scenario and states that '*it will be important to recognise that water and wastewater infrastructure sometimes has needs particular to the location (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered*'.

Policy WCS13 (Green Infrastructure) of the Wealden Core Strategy Local Plan recognises that development will be permitted on open space, providing the effects are mitigated against or alternative provision is provided.

Although the Parish Council is not the planning authority in relation to wastewater or sewerage development proposals, support for essential infrastructure is required at all levels of the planning system.

Accordingly, we propose the following amended wording and additional text to Policy 13:

' Proposals for any development on the land will *normally* be resisted. *Should the need arise, development for essential infrastructure will be supported in special circumstances, where the benefit outweighs any harm, and it can be demonstrated there are no reasonable alternative sites available.*'

New policy on the provision of infrastructure

We could find no policies to provide for new or improved infrastructure to support development. One of the Core Planning Principles contained in the National Planning Policy Framework (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 Policy WCS7 (Effective Provision of Infrastructure) of Wealden's adopted Core Strategy Local Plan states *'The release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development. Where development would create the need to provide additional or improved community facilities, services and infrastructure to mitigate its impact, a programme of delivery must be agreed with the relevant infrastructure providers which will ensure that these improvements are provided at the time they are needed'*.

Although the Parish Council is not the planning authority in relation to wastewater development proposals, support for essential infrastructure is required at all levels of the planning system.

On this basis, we propose an additional policy as follows:

New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.

New residential and commercial development will be permitted only if sufficient infrastructure capacity is either available or can be provided in time to serve it.