



South East Lincolnshire Local Plan 2011-2036: Proposed Main Modifications (2018)

Comment Form

Comments must be received by 5pm on 28th August 2018 either by:

- **Email to:** programme.officer@southeastlincslocalplan.org; or
- **Post to:** Elaine Henton, Programme Officer, South East Lincolnshire Local Plan, Boston Borough Council, Municipal Buildings, West Street, Boston PE21 8QR

Late representations will not be accepted.

This comment form has three parts:

Part A : Your personal details

Part B : Your comment(s)

Part C : Notification Request

1. Please fill in Part A
2. If you are making representations on more than one Main Modification you will need to complete a separate form for each representation. However, you only need to complete Part A: Personal Details and Part C: Notification request once. (Please bundle your forms together so it is clear Part A and Part C relate to all the Part Bs)
3. Sign the Data Protection Act section at the end of the form, before returning it to us.

We have created **guidance notes** to help you with completing this form. **Please read** these before completing your comments as they will help you understand the nature of comment that is required.

Anonymous comments or those received outside of the consultation period will not be accepted.

PART A:

Personal Details		Agents Details (if applicable)
Title	Mr	
First name	Stewart	
Last name	Patience	
Organisation (if applicable)	Anglian Water Services Ltd	
Address	Thorpe Wood House, Thope Wood, Peterborough	
Postcode	PE3 6WT	
Telephone No.	07764989051	
Email address	sPatience@anglianwater.co.uk	

NOTE:

Representations will only be accepted that refer to:

- a proposed change shown in the schedule of 'Proposed Main Modifications' to the Publication Draft Local Plan (2017),
- a map change to the Publication Draft Local Plan (2017),
- the Habitats Regulations Assessment Report on the Main Modifications (2017) and
- the Sustainability Appraisal Report on the Main Modifications (2017).

Your responses on the above documents will be sent to the Planning Inspector without prejudice to the Inspectors final report.

You should not repeat or re-submit your previous representations, these have already been considered by the Inspector during the examination process.

PART B:

Please fill in a separate Part B for each comment you wish to make

1. To which Main Modification does your comment relate?	
Please state the relevant reference number that you are commenting on from the Schedule of Proposed Main Modifications (e.g. MM008):	Please see attached schedule
Description of the proposed Main Modification (e.g. Policy 8 Improving South East Lincolnshire's Employment Land Portfolio, or Para 4.2.9, or Inset Map 19 Moulton)	Please see attached schedule

2. Do you consider this proposed Main Modification is:		
A. Legally compliant?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B. Sound?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

3. If you consider the proposed Main Modification to be unsound please identify which test of soundness your representation relates to: 'Sound' means: is the Main Modification justified, effective, positively prepared and consistent with national policy?	
Positively Prepared	<input type="checkbox"/>
Justified	<input type="checkbox"/>
Effective	<input type="checkbox"/>
Consistent with national policy	<input type="checkbox"/>

Your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify your representation and any suggested changes.

4. Please give details of why you consider the Local Plan is, or is not, legally compliant or sound?

Please be as precise as possible.

Please continue on a separate sheet / expand box if necessary.

5. Please set out what change(s) you consider necessary to make the proposed Main Modification to the Local Plan legally compliant or sound, having regard to the test you have identified in Q3 where your comment relates to soundness.

You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text Please be as precise as possible.

Please continue on a separate sheet / expand box if necessary.

6. Do you have any comments on the updated Addendum to the Sustainability Appraisal or Addendum to the Habitats Regulations Assessment in respect of this particular modification?

PART C: Notification request

You can request to be notified at an address or email address of any future stages relating to the Local Plan.

1. Would you like to be notified of future stages?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

2. How would you like to be notified? Please select one answer.

By post to my address:	<input type="checkbox"/>
By post to my agent's address:	<input type="checkbox"/>
By email to my email address:	<input checked="" type="checkbox"/>
By email to my agent's email address:	<input type="checkbox"/>

3. Which stages would you like to be notified about:

The publication of the recommendations of Planning Inspector?	<input checked="" type="checkbox"/>
The adoption of the Local Plan?	<input checked="" type="checkbox"/>

Data Protection Act 1988 and Freedom of Information Act 2000

Representations cannot be treated in confidence. The Town and Country Planning (Local Planning) (England) Regulations 2012, requires copies of all representations to be made publically available, this will be done via the Council's website. The Council will not publish personal information such as addresses, telephone numbers, or email addresses.

By submitting a representation you confirm that you agree to this and accept responsibility for your representations.

Signature: <i>For electronic responses a typed signature is acceptable</i>	Stewart Patience	Date:	28 th August 2018
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PMM005 – Former Policy 5: Strategic Approach to Flood Risk (renumbered as Policy 4) – legally compliant – yes, sound no (effective)

It is noted that it is proposed to include a new policy to replace the wording of Policy 5 of the Publication Draft Local Plan. This includes additional criteria which have been proposed in response to comments by Anglian Water as part of the Publication Draft Local Plan consultation.

We are generally supportive of the wording of Policy 4 (formerly Policy 5) as drafted.

The policy as drafted appears to suggest that these requirements would only apply to development sites located within Flood Zones 2 and 3. However we are of the view that the requirements relating to surface water and foul drainage would also apply to development in Flood Zone 1 as well as Flood Zones 2 and 3 as currently proposed.

In addition a number of site allocation policies as amended refer to the improvements to the water supply network in Policies 15 and 16 and Appendix 5 (as amended). However this requirement is not included in Policy 4 of the Local Plan.

It is therefore proposed that Policy 4 be amended as follows:

'Development within the plan area will be permitted where:

a. that water is available to support the proposed development;

eb. incorporates the use of Sustainable Drainage Systems (SuDS) (unless it is demonstrated that this is not technically feasible) and confirms how these will be maintained/managed for the lifetime of development (surface water connections to the public sewerage network will only be permitted in exceptional circumstances where it is demonstrated that there are no feasible alternatives);

fc. demonstrates that the proposal will not increase risk elsewhere and that opportunities through layout, form of development and green infrastructure has been considered as a way of providing flood betterment and reducing flood risk overall.

gd. demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

he. ensures suitable access is safeguarded for the maintenance of water resources, drainage and flood risk management infrastructure.'

We welcome the reference made to include Anglian Water as a (flood) risk management body as outlined in the supporting text to Policy 4. This addresses our previous comments relating to the supporting text for Policy 4 (formerly Policy 5).

PMM006 – Former Policy 6: Meeting Physical Infrastructure and Service Needs (renumbered as 5)– legally compliant – yes, sound no (effective)

It is not that additional supporting text has been added to aid the effectiveness of the policy including reference to water supply and water recycling infrastructure. For clarity it suggested that reference is made to foul sewerage network as well as sewage treatment.

It is therefore suggested that first bullet point of para 3.6.2 be amended as follows:

‘Water and drainage: **water** supply, **foul sewerage and sewage** treatment, and flood-management infrastructure’

Anglian Water has no comments to make in relation to the proposed changes to Policy 5 (formerly Policy 6).

**PMM013 – New Policy 12 on release of reserve sites
– legally compliant – yes, sound no (effective)**

We noted that reference is made to the available capacity of Deeping Water Recycling Centre in Anglian Water’s ownership to serve additional development in the supporting text for Policy 12. However this requirement is not included in the text of Policy 12.

It appears that the intention is to grant planning permission for the reserve sites only where the identified allocation housing allocation sites are not coming forward as anticipated in the Housing Trajectory. However it is not made clear whether the intention is that the Local Plan would continue to be read as a whole for the purposes of determining a planning application on a reserve housing site.

For example Policy 5 requires applicants to demonstrate that there is capacity available both within the foul sewerage network and at receiving Water Recycling Centre in time to serve the development.

It is therefore proposed that wording of Policy 12 be amended as follows:

The trigger for releasing reserve sites will be determined by the application of the Housing Delivery Test set out in national policy and guidance. **Planning applications for reserve site should also be consistent with the requirements of the Local Plans as a whole.**

An additional column should be added to Policy 12 outlining the specific requirements for each reserve site where relevant. This would included the text relating to Deeping St Nicholas which currently appears as supporting text. We would also ask that this includes reference to comments relating to sites at Old Leake and Quadring and the impact on existing assets in Anglian Water’s ownership as set out below.

Old Leake - Site Old005: There is an existing sewer within the boundary of this site and it is important that Anglian Water can continue to access these assets for maintenance purposes.

It is therefore proposed that the following wording be included in Policy 12 of the Local Plan:

'A foul sewer crosses the site and must remain accessible. The design and layout of the site should take this into consideration. If it is not possible to accommodate the existing water main within the design then diversion may be possible under section 185 of the Water Industry Act 1991 or entering into a build over/near agreement may be considered.'

Quadrang – Site Qua006: There is an existing sewer within the boundary of this site and it is important that Anglian Water can continue to access these assets for maintenance purposes.

It is therefore proposed that the following wording be included in Policy 12 of the Local Plan:

'A foul sewer crosses the site and must remain accessible. The design and layout of the site should take this into consideration. If it is not possible to accommodate the existing water main within the design then diversion may be possible under section 185 of the Water Industry Act 1991 or entering into a build over/near agreement may be considered.'

PMM016 – Former Policy 12: Vernatts Sustainable Urban Extension (renumbered as 15)– legally compliant – yes, sound no (effective)

It is noted that it is proposed to include reference to a foul drainage scheme for each phase of development as suggested by Anglian Water as part of the Publication Draft Local Plan consultation which is supported.

In respect to the site as a whole reference is made to a requirement to both foul sewerage and water supply networks however it is not made clear what is the requirement for applicant(s) in this context.

It is therefore suggested that Policy 15 (formerly Policy 12) be amended as follows:

'Water supply network: infrastructure ~~and/or treatment~~ **any improvements** required to serve proposed growth ~~or diversion of assets may be required.~~
Foul sewerage network: infrastructure ~~and/or treatment~~ **any improvements** required to serve proposed growth ~~or diversion of assets may be required.'~~

In respect of sites Pin045 and Pin024 reference is made to existing water mains and/or sewer located within boundaries of the sites however it not made clear what is the requirement for applicant(s) in this context.

There is a need to ensure that Anglian Water can continue to operate and maintain existing assets following the development of the above site. Policy 5 of the Local Plan (as amended) requires developers to ensure that access to existing water supply and water recycling infrastructure can be maintained.

It is therefore proposed that Policy 15 be amended as follows:

Pin045 - 'water mains and sewers cross the site **and the site layout should be designed to take these into account consistent with the requirements of Policy 4 of Local Plan**'

Pin024 - 'water mains cross the site **and the site layout should be designed to take these into account consistent with the requirements of Policy 4 of Local Plan**'

PMM017 – Former Policy 13: Holbeach West Sustainable Urban Extension (renumbered as 16)– legally compliant – yes, sound no (effective)

It is noted that it is proposed to include reference to a foul drainage scheme for each phase of development as suggested by Anglian Water as part of the Publication Draft Local Plan consultation which is fully supported.

Reference is made to an existing sewer located within boundary of the site and the site is within close proximity to Holbeach Water Recycling Centre. However it not made clear what is the requirement for applicant(s) in this context.

There is a need to ensure that Anglian Water can continue to operate and maintain existing assets following the development of the above site. Policy 5 of the Local Plan (as amended) requires developers to ensure that access to existing water supply and water recycling infrastructure can be maintained.

Nuisance may be caused by noise, lighting and traffic movements but its most prevalent source will be odours, unavoidably generated by the treatment of sewerage. Where it is proposed to develop sites within proximity of the water recycling centres there is a need to consider further the odour impact and the extent to which occupied land and buildings e.g. housing could be accommodated on the site without having an adverse impact on future residents or occupiers.

It is therefore proposed that Policy 16 be amended as follows:

'3. a sewer pipe crosses the site **and the site layout should be designed to take these into account consistent with the requirements of Policy 4 of the Local Plan**; and

4. the site lies within the encroachment zone for Holbeach Water Recycling Centre (**WRC**). **The risk of odour should be considered as part of the masterplanning of the site consistent with the requirements of Policy 30 of the Local Plan. Proposals will need to demonstrate that both the continued use of the WRC site is not compromised, and that the amenity of new residents of the development will be satisfactory with the ongoing normal use of the WRC.**'

PMM029 Former Policy 26: Pollution (renumbered as 30)
– legally compliant – yes, sound, yes

Anglian Water requested additional wording to address the issue of the impact of new development on Anglian Water's existing infrastructure as part of the Publication Draft Local Plan consultation to ensure that we can continue to serve our customers.

It is noted that it proposed to amend Policy 30 (formerly policy 26) of the Local Plan and the related supporting text to include reference to address the comments made by Anglian Water. The proposed wording is consistent with the agreed Statement of Common Ground with Anglian Water, the Environment Agency and Waller Planning and is therefore supported.

PMM030 Former Policy 27: Climate Change and Renewable and Low Carbon Energy (renumbered as 31)– legally compliant – yes, sound, yes

Anglian Water requested additional wording to include the optional higher water efficiency standard as part of the Publication Draft Local Plan consultation.

It is noted that it proposed to amend Policy 31 (formerly policy 27) of the Local Plan and the related supporting text to include reference to optional higher water efficiency standard (110 litres per person/per day) for residential developments as previously proposed by Anglian Water.

We understand that the Environment Agency considers that South East Lincolnshire is located in an area of serious water stress as defined in the Environment Agency's map (Water Stressed Areas – final classification).

The Housing Standards Review Cost Impact report (2014) prepared for DCLG advises that the cost of introducing such a standard would be between £6-£9 per dwelling. The above report is available to view at the following address:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353387/021c_Cost_Report_11th_Sept_2014_FINAL.pdf

Both Anglian Water and the Environment Agency consider that the inclusion of this optional higher water efficiency standard would not make individual sites or the plan as a whole unviable.

The proposed wording is consistent with the agreed Statement of Common Ground with Anglian Water and the Environment Agency.

Therefore for the above reasons we fully support the optional higher water efficiency standard being applied within the South East Lincolnshire area and the proposed modifications relating to water efficiency.

It is noted that it proposed to amend Policy 31 (formerly policy 27) of the Local Plan and the related supporting text to include reference to Sustainable Drainage Systems (SuDS) as part of major developments in response to the Inspector's questions. Anglian Water is supportive of the proposed modifications relating to SuDs as proposed.

PMM038: New Appendices (Appendix 5)– legally compliant – yes, sound, no, effective

It is noted that an additional appendix has been included which summarises the infrastructure requirements for the allocation sites identified in the Local Plan.

There are a number of references made to the water supply and foul sewerage networks and use of SuDs which appear to be based in part on Anglian Water’s comments on specific allocation sites.

The comments were intended to highlight that SuDs should be the preferred method of surface water surface water disposal consistent with the requirements of the Revised NPPF that it shouldn’t be assumed that there is capacity within the public sewerage network to serve new developments.

It is therefore suggested that the wording of Appendix 5 is amended as follows:

~~‘Surface water – the capacity of the surface water network has major constraints, and~~ all developments should seek to reduce flood risk and incorporate Sustainable Drainage Systems (SuDS).

The provision of SuDS would also apply to employment allocations which are identified in the Local Plan. It is therefore suggested that the wording as set out above appears in the tables relating to the employment allocations.

Reference is made to an existing water mains located within boundary of the Site CR036 and Reserve site HoB011 and that a build over agreement may be considered.

Unlike sewers, where permission to build over or close to mains may be given, we do not permit any build over of water mains. Water mains operate at pressure, hence they have the potential to cause considerable damage for which Anglian Water could not be held liable.

It is therefore suggested that the text for Site CR036 and Reserve site HoB011 be amended as follows:

‘A water pipe crosses the site and must remain accessible. The design and layout of the site should take this into consideration. If it is not possible to accommodate the existing water main within the design then diversion may be possible under section 185 of the Water Industry Act 1991 ~~or entering into a build over/near agreement may be considered.~~’



JOINT COMMITTEE RESPONSE FORM

REP: MM32(3)

PMM REF: PMM013

The objector argues that PMM013 is not sound, because:

1. the suggested wording of Policy 12: Reserve Sites is not effective because it does not specifically indicate that planning applications for Reserve Sites should also be consistent with the requirements of the Local Plan as a whole; and
2. the suggested wording of Policy 12: Reserve Sites is not effective because it does not identify specific requirements/constraints (where known) for each Site (in particular the objector seeks the identification of constraints relating to foul sewers/sewerage treatment affecting sites Dsn018, Old005 and Qua006).

The Joint Committee does not agree that the wording of Policy 12: Reserve Sites requires amendment.

1. It is unnecessary to identify that planning applications for Reserve Sites should comply with the requirements of the entire Local Plan. Other policies which allocate land for development (e.g. Policy 11: Distribution of New Housing, or Policy 7: Improving South East Lincolnshire's Employment Land Portfolio) do not include such a statement.
2. It is unnecessary for specific requirements/constraints affecting Reserve Sites to be identified in the Policy. Such an approach is not taken in other policies which allocate land for development (e.g. Policy 11: Distribution of New Housing, or Policy 7: Improving South East Lincolnshire's Employment Land Portfolio). Instead, the Joint Committee considers that the Local Plan can deal with this issue effectively via the Policy's written justification (in the case of site Dsn018, where it is important to give particular emphasis) or via Appendix 5: Allocations - Infrastructure requirements, constraints and mitigation (in the case of sites Old005 and Qua006). Thus, the Joint Committee accepts that Appendix 5 should be amended as follows:
 - Housing Allocations in Old Leake should include the following words "A foul sewer crosses the site and must remain accessible. The design and layout of the site should take this into consideration. If it is not possible to accommodate the existing sewer within the design then early contact with Anglian Water Services is suggested to discuss possible diversion, or entering into a build over/near agreement."
 - Housing Allocations in Quadring, Reserve Site Qua006 should include the following words "A foul sewer crosses the site and must remain accessible. The design and layout of the site should take this into consideration. If it is not possible to accommodate the existing sewer within the design then early contact with Anglian Water Services is suggested to discuss possible diversion, or entering into a build over/near agreement."