

STATEMENT OF COMMON GROUND

BETWEEN

HARLOW COUNCIL (HC)

AND

THAMES WATER (TW)

IN RESPECT OF

THE HARLOW LOCAL DEVELOPMENT PLAN, SUBMISSION VERSION (MAY 2018)

Summary

- HC and TW agree that Harlow Council's draft Local Plan is sound having worked together to find solutions for issues raised by TW and the Environment Agency (EA) during the preparation of the Local Plan.
- 1.1 We, the undersigned, set out in this statement of common ground those matters of joint interest to both HC and TW as they are dealt with in the Harlow Local Development Plan (the HLDP), Submission Version, May 2018.
 - 1.2 This statement identifies, specifically, those areas upon which HC and TW agree (marked in bold).
 - 1.3 All matters where HC and TW perceive that there is a joint or strategic interest are detailed in this memorandum. Matters which are not considered to be of joint or strategic interest are excluded. It may, therefore, be taken as read that the Authority and Consultees are content on those other matters.

Strategic Issues

- 2.1 Paragraph 94 of the National Planning Policy Framework (NPPF) states "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.*"
- 2.2 Paragraph 156 of the NPPF states "*Local planning authorities should set out the strategic priorities for the area of the Local Plan. This should include strategic policies to deliver...the provision of infrastructure for....water supply, wastewater, flood risk...*" Paragraph 157 goes on to state that "*Local Plans should plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework.*"
- 2.3 Paragraph 178 of the NPPF states that "*public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities...*"
- 2.4 Paragraph 179 of the NPPF states that "*Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans.*"

- 2.5 Paragraph 181 of the NPPF states that *“Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.”*
- 2.6 HC and TW have corresponded constructively over the course of the production of the Harlow Local Development Plan. In reviewing the impacts of development in Harlow on wastewater infrastructure Thames Water have had to take account of growth proposed elsewhere in the Rye Meads Sewage Treatment Works Catchment which is a large catchment covering multiple Local Authorities each of which are at different stages in developing Local Plans.
- 2.7 The Authority and Thames Water **agree** that, in their view, the plan has been prepared in accordance with:
- the Duty to Co-operate;
 - legal requirements;
 - procedural requirements; and
 - that it is sound.
- 2.8 In respect of the latter, the Authority and Thames Water **agree** that, subject to agreed minor modifications, the plan has been:
- positively prepared;
 - is justified;
 - is effective; and
 - is consistent with national policy.

Preamble

- 3.1 Harlow is tightly bounded by its administrative boundary and Green Belt. It is neighboured to the north by East Herts Council, to the East by Uttlesford District Council and to the South by Epping Forest District Council.
- 3.2 The HLDP sets out the allocation and delivery proposals for homes, jobs and infrastructure in Harlow and sets out details associated with Harlow and Gilston Garden Town where Harlow, Epping Forest and East Hertfordshire District Councils have come together to facilitate growth through the development of new Garden Communities.
- 3.3 TW is a private utility company responsible for the public waste water treatment in Harlow and the surrounding area and is responsible for delivering new wastewater treatment and network infrastructure which is regulated under the Water Industry Act 1991.
- 3.4 TW is responsible for wastewater disposal for the whole of Harlow and the wider area covered by the Harlow and Gilston Garden Town with all wastewater flows treated at Rye Meads Sewage Treatment Works which is located within the Lee Valley SPA (a European designation) within East Hertfordshire District.

- 3.5 HC and TW have worked constructively, actively and on an ongoing basis to maximise the effectiveness of the plan and its supporting evidence contained within it.

Detailed Memorandum

The detailed memorandum now follows:

Wastewater Treatment

- 4.1 Rye Meads Sewage Treatment Works is currently being upgraded; the project is due to complete in 2019. The main scope of the project is to extend treatment capacity and improve discharge quality standards of the existing sewage treatment works to enable it to treat an increased volume of incoming flow. The upgrade will provide Rye Meads STW with a treatment capacity of 447,134 PE (Population Equivalent).
- 4.2 HC and TW **agree** that concerns regarding wastewater treatment infrastructure capability are not envisaged, either individually or cumulatively, for individual development sites. Thames Water have undertaken an assessment of the impact of growth within the Harlow and Gilston Garden Town area taking account of growth elsewhere in the Rye Meads STW Catchment. This assessment indicates that TW will have capacity at the treatment works up until 2036 and do not have any concerns related to the sites allocated within the HLDP in relation to the final effluent stream.
- 4.3 TW might need to deliver upgrades in sludge and storm streams during AMP7/8 (between 2020 and 2030). TW are currently producing their business plan for the period 2020-2025 and any planning for additional capacity will follow their normal growth process, which means growth review and modelled view of risk to prioritise which treatment works will need a project and when.
- 4.4 Growth beyond 2036 planned for the Gilston area under the Adopted Local Plan for East Hertfordshire has not been subject to a detailed assessment. However TW do not foresee future issues with space or water quality for Rye Meads STW. Future capacity and impact on water quality are managed using growth/ risk forecasts and monitoring which inform the requirement for upgrades.
- 4.5 A number of local authorities within the Rye Meads catchment are proposing significant housing growth. Given the scale of development coming forward in the region TW are keeping a regular review of their sewage treatment works capacity. TW are also working closely with local councils on understanding their future growth projections and likely changes in Environment Agency discharge consents. TW's position regarding works capacity is therefore subject to change if growth forecasts within the catchment change. TW and HC **agree** to continue to co-operate and work together to monitor the progress with the delivery of the HLDP.

Wastewater Network

- 4.6 TW have undertaken flow surveys of the network within the Rye Meads catchment specifically focused in Harlow. These indicate that some capacity currently exists for additional homes and infrastructure upgrades will be required within the plan period to accommodate the proposed new homes. Additional modelling work is being undertaken of the sewerage network by TW however, it has not been possible to complete this in time to inform the Water Cycle Study (WCS) forming part of the

evidence base for the HDLP. Notwithstanding this, TW and HC consider the key wastewater issue to be considered through the WCS is the capacity of the sewage treatment works and impacts on the receiving watercourse arising from growth. TW and HC **agree that** the capacity of the network would not prevent the delivery of growth set out in the HDLP provided that any necessary network reinforcement works are delivered ahead of the occupation of development in order to prevent any adverse impact on the environment as a result issues such as pollution and/or sewer flooding.

- 4.7 TW are responsible for delivering any network reinforcement works required to the sewerage network to accommodate growth. Any network reinforcement works necessary will be funded through the Infrastructure Charge which is an annually fixed charge for each new dwelling connected to the existing network.
- 4.8 It is not possible to accurately establish the requirement for, and design of, network reinforcement requirements for the duration of the HDLP period as the requirements will change over time. The design of any network reinforcement works required will depend on more detailed information of development proposals than that available at the time of preparing the HDLP. Account will also need to be taken of changes over time including development arising on unallocated sites elsewhere within the catchment over the plan period.
- 4.9 The lead in times from the point of certainty that development will take place will vary dependent on the scale and location of development as well as available capacity in that element of the sewer network. TW therefore encourage developers to engage with them prior to the submission of any applications to discuss their development proposals and programmes.
- 4.10 In order to ensure that any necessary network reinforcement works are delivered ahead of the occupation of development TW will, where necessary, request phasing conditions to be applied to planning permissions to ensure that any development/phase of development will not be occupied until any necessary reinforcement works have been completed.
- 4.11 TW and HC **agree** that any necessary phasing conditions could be secured in line with Policies SIR1 and IN6 of the HDLP. It is agreed that minor modifications to the wording of supporting text within the HDLP will improve the clarity and effectiveness of the Policies in relation to the delivery of any wastewater network reinforcement works necessary to support development. TW therefore have no objection in principle to the allocation of any sites within the HDLP based on wastewater network capacity.
- 4.12 HC **agree** that modifications will be made through minor modifications to the HDLP to address TWs comments received in relation to the submission draft HDLP consultation. The modifications will include amendments to Policy PL10 and the supporting text and additional supporting text to make it explicit that infrastructure for water/wastewater should be completed before first occupation.
- 4.13 HC and TW **agree** that they will encourage developers to engage with TW prior to the submission of planning applications to discuss development proposals, programmes and any potential network reinforcement works necessary in order to

assist with the effective planning and delivery of any necessary reinforcement works. This approach is consistent with Paragraphs 188 to 191 of the NPPF.

Redact



Richard Hill

Thames Water Property Manager

Signed on behalf of

Thames Water

Date: 27th March 2019

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Signed on behalf of

Harlow Council

Date:

28th March 2019