

## Thames Water Utilities Limited

### Matter 6: Climate Change and Environmental Protection

**Issues: Whether the Plan tackles the challenge of climate change in a positive fashion and consistently with national planning policy. Whether the Plan's policies provide protection against pollution, deterioration in air quality, and other contamination.**

**Question 4: Whether the concerns of Thames Water about the provision of new water and wastewater infrastructure, as foreseen in Core Strategy 21 and the London Plan, are overcome by focused changes nos 25-27 and 29?**

1. London Borough of Enfield's (hereafter referred to as LBE) focused changes numbers 25 – 27 and 29 (in DMD-07) partially address Thames Water's (hereafter referred to as TW) concerns. These have been acknowledged and listed in the attached schedule at Appendix A to this representation. Thames Water is also liaising with LBE regarding the preparation of a Statement of Common Ground.
2. As highlighted in earlier representations submitted by TW, the submitted Development Management Document fails to adequately provide specific detailed policy support on the provision of water and wastewater infrastructure, in accordance with NPPF (paragraphs 156 and 162), London Plan Policy 5.14 and Core Strategy 21.
3. TW have specifically requested that the following text be added to Policy DMD 58 after 'Greywater Collection' and include new supporting text after paragraph 8.4.4 (for suggested wording please refer to Appendix A).

***“Water and Wastewater Infrastructure***

*All new development proposals will be required to demonstrate that there is sufficient water and wastewater infrastructure capacity both on and off site to serve the development or that any necessary upgrades will be delivered ahead of the occupation of development.*

*In accordance with Core Policy 46, when there is a capacity problem and improvements in off-site infrastructure are not programmed, developers will be required to make financial and in kind contributions towards infrastructure and community facilities.*

*The Council will work with water supply and wastewater companies and support new water supply and wastewater infrastructure improvements necessary to meet existing and future demand. Planning permission will be granted where such proposals are consistent with, or do not materially conflict with, other development plan policies.”*

4. LBE (in DMD-08, rep no. 95) in response to TW's suggested policy text state that

*“... the remaining changes sought are not considered appropriate DMD planning policy requirements and go beyond the statutory planning function of the local authority in assessing individual planning applications”.*

5. It is unclear to TW as to the specific statutory planning function LBE are referring to in their response to the suggested text.
6. It is considered that the submitted Development Management Document is in direct conflict with the statutory requirements set under Section 19 (2) (a), (c) and (h) of the Planning and Compulsory Purchase Act 2004, which require that in the preparation of a development plan document, a local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State; the spatial development strategy if the authority are a London borough, and to any other local development document which has been adopted by the authority.
7. TW reiterate that as drafted, the submitted Development Management Document fails to provide explicit policy support for the provision of necessary new water and wastewater infrastructure – infrastructure that is critical to protect the environment of the London borough and to meet its growth aspirations. As a result, the submitted Development Management Document is not **effective**, nor **consistent with national** policy.

**Question 5: Whether the Environment Agency’s concerns about Policies DMD59, DMD61, DMD62, DMD63 and paragraph 9.2.4 related to water conservation, flood risk and remediation for land contamination are adequately addressed by focused changes Nos 28, 30, 31, 32, 33, 35 & 36?**

8. Whilst TW supports the changes made by LBE in the Submission Draft Development Management Document and the addition of a new bullet to Policy DMD60 as per focused change number 29 in DMD-07. It is still considered that the policy wording does not go far enough to provide explicit policy guidance on the potential for sewer flooding.
9. The policy should state that the developer will need to demonstrate through the submission of a drainage strategy, that down stream flooding of the sewer or combined sewer network will not occur as a result of their development or if flooding will occur as a result of the development, appropriate mitigation will be proposed to address the flooding.
10. Following LBE’s focused change numbers 29 and 30 in DMD-07, text for Policy DMD61 does not explicitly state or refer to sewer flooding. Hence the following new bullet under section 5 in Policy DMD61 is suggested:  
  
*“b. Development proposals will need to demonstrate that down stream flooding of the sewer or combined sewer network will not occur as a result of the development or if flooding will occur as a result of the development, appropriate mitigation will be proposed to address the flooding.”*
11. It is considered that without the inclusion of such wording the submitted Development Management Document is unsound as it is **not effective**. This is due to the insufficient policy security to ensure that new development will not lead to sewer flooding, or that the issue will expressly be considered through the application for planning permission process.

**Question 6: Whether Policy DMD68 is too restrictive, given the likelihood of industrial, leisure and other uses being closely located in this urban Borough? Whether focused change 38 is clearly set out in DMD-07, and whether it would achieve an effective policy?**

12. It isn't clear from focused change 38 in DMD-07 if TW's revised wording for point 4 in Policy DMD68 has been accepted by LBE. The focused change 38 underlines the text TW want deleted. Suggested amended wording is:

*"4. Development involving potential noise generating development will only be permitted in appropriate locations, where there is ~~compatibility with existing uses and no adverse impact on amenity~~"*

13. If it is LBE's intention to delete the above text TW have no further comments to make.
14. With regards to focused changes relating to point 5 in Policy DMD68, TW support the amended wording provided the following typographical errors are corrected.
- Delete "to achieve" after "must be designed", and
  - Insert a "." after "background level".

15. Revised point 5 in Policy DMD68 to read as follows:

*"5. Proposals for plant and machinery that result in significant harm to amenity will not be permitted. Developments must not contribute to cumulatively higher noise levels and, where practicable, must be designed with an overall aim to achieve an improvement of the lowest measured background level. Developments should aim to achieve an improvement of 10dB."*

16. TW consider that the suggested changes listed above to Policy DMD68 would result in an effective policy.