

**WINCHESTER LOCAL PLAN PART 2  
EXAMINATION IN PUBLIC**

**MATTERS 12 & 13  
WICKHAM**

**FURTHER REPRESENTATIONS ON BEHALF OF  
CROUDACE STRATEGIC**

**JUNE 2016**

## 1.0 INTRODUCTION

1.1 These representations comprise a response to the issues identified by the Inspector for the Examination in Public (EIP) into the soundness of the Winchester Local Plan Part 2 (“LPP2”). The submission is on behalf of Croudace Strategic (“Croudace”), with particular regard to land where the company is intending to carry out residential development at The Glebe, west of School Road, Wickham; as allocated under Policy WK3 of the LLP.

1.2 At Wickham, the Examination Inspector has identified the following matters:

- i) Are the policies and proposals for growth and change in this area appropriate and justified, including in relation to the NPPF / PPG, and in terms of economic and social impacts?
- ii) Are they clear and deliverable, including in respect of the associated infrastructure requirements?

## 2.0 BACKGROUND SUMMARY

2.1 In November 2015, Croudace submitted an outline planning application for the development of 82 dwellings on the site of The Glebe, west of School Road. The application site boundaries are generally consistent with those identified in Policy Area WK3, including the open space, as shown on Map 23 of LPP2. There is a small variation at the southern end of the site, where the application also includes land to the south of the new settlement boundary. This is required to provide access, as well as an area of play and open space.

2.2 The outline application is under consideration. The determination date has been extended in agreement with Winchester City Council (“the Council”), allowing all material planning issues to be satisfactorily resolved in advance of determination. The main outstanding matter relates to the drainage infrastructure. It is this issue that forms the main consideration in these representations; directly relevant to the second issue identified by the Inspector.

2.3 A copy of the most recent application layout plan is included as **Appendix 1**.

2.4 The outline application was supported by a Flood Risk Assessment (FRA), prepared by Opus. The FRA dealt with impacts, including off-site, from surface water runoff, and foul water discharge.

2.5 Southern Water responded to the submission of the planning application by way of its consultation response letter dated 14<sup>th</sup> December 2015. They recommend that should the Council be minded to grant consent, the following conditions should be attached to any permission:

*“Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.”*

*“Construction of the development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Southern Water.”*

2.6 Southern Water’s consultation response is produced as **Appendix 2**.

2.7 Croudace therefore consider that the land at The Glebe is capable of coming forward for development at an early date, in accordance with the proposed drainage infrastructure improvements that have been agreed with Southern Water. The site is eminently deliverable. This is however subject to the planning policy considerations, which are now dealt with in the next section of these representations.

### **3.0 PLANNING POLICIES; WK1 & WK3**

3.1 Dealing firstly with Policy WK3, this is the site specific policy for the land at The Glebe; allocating about 80 dwellings for development, with the provision of public open space on the northern part of the site. The outline application is in

accordance with this policy. It is a sustainable location, and has been selected following a thorough evaluation of potential sites in and around the settlement.

- 3.2 As required by Policy WK3, the planning application is based on a master plan that establishes the principles for the location of housing and open space. Vehicular access is proposed via an improved roundabout junction on to School Road. Safe pedestrian and cycle access is also proposed further to the north; providing a good linkage to Wickham town centre.
- 3.3 The proposed development is supported by environmental improvements, including substantial landscaping, the provision of informal open space and parkland, and the development of a Local Equipped Area of Play. Provision towards the improvement of Wickham Recreation Ground can also be secured. The policy, and the application that supports it, is considered sound.
- 3.4 However, in response to the Inspector's question, Policy WK1 - as submitted - actually acts as a constraint to development that would otherwise be acceptable. The pre-amble to the policy gives a disjointed and confusing approach to what may be deliverable in the early years of the plan period.
- 3.5 Commencing with Paragraph 4.8.16, it is noted that there have been localised, but serious flooding problems in Wickham. The Wickham Flood Investigation Report concludes that the causes of flooding are complex, affect various parts of the village; comprising a combination of factors. Thereafter, Paragraph 4.8.17 asserts that there are a number of areas in which land use planning can help to alleviate flood threats, or prevent changes that would increase flood risk. None of this is disputed.
- 3.6 However, Paragraph 4.8.17 then contains contradictory statements that result in Policy WK1 lacking soundness:

*“There may be opportunities for the new development needed to reduce the causes and impacts of flooding ...”* This assertion is incorrect. It is not the responsibility for new development to resolve drainage problems that already exist.

*“...but it should only go ahead when it is clear that it will not increase the risk of flooding to the development or elsewhere.”* At The Glebe, it is clear from Southern Water’s response to the planning application, and the FRA that supports it, that there will be no increase in flooding; and that the development can proceed.

*“This cannot happen until the causes of flooding in Wickham are fully understood and a strategy has been developed and put in place to address these.”* This is also incorrect. It is wrong to artificially constrain development at The Glebe when it does not add to the causes of flooding in the settlement.

*“The relevant agencies are looking to develop a strategy and the key measures are expected to be incorporated into the Wickham Drainage Area Plan (DAP), currently being prepared by Southern Water.”* Developing a strategy through a DAP will deal with causes of flooding, but again should not constrain development where it has been proven that it does not add to those causes.

*“In the meantime, the nature of the drainage system in Wickham, and uncertainties over the exact causes of flooding, mean that significant new development would increase the risk of flooding to existing properties.”* This statement is not correct. Development at The Glebe will not increase the risk of flooding to existing properties, as set out in the application FRA - and Southern Water’s response to it.

- 3.7 This preamble to Policy WK1 is taken forward in Paragraph 4.8.18. This again contains inappropriate assertions that then set out a false position:

*“Policy WK1 therefore resists further significant development, particularly of the sites allocated in Policies WK2 and WK3, until a multi-agency drainage strategy is in place and it is possible to be confident that development will not exacerbate drainage problems and will help provide solutions where possible and justified.”* In their consultation response to the planning application, Southern Water is clearly confident that development will not exacerbate drainage problems. The outcome of the FRA can be used positively to inform the future drainage strategy.

*“Currently, it is expected that the DAP will provide such a strategy and its completion is planned during 2016.”* This timescale is now considered to be optimistic. Section 4 of this representation provides more details.

*“The strategy should clarify the causes of flooding, the measures that are needed to address them, and the implications for releasing further significant housing development.”* The implications for releasing further housing development at The Glebe have been clearly set out in the planning application, and will not cause harm. There is no adverse implication.

*“It is not expected that this will prevent the allocated sites from being developed during the Local Plan period, but it may result in development being held back until later in the Plan period.”* This assumption is incorrect. Development at The Glebe can proceed early in the plan period, subject to the conditions of planning permission suggested by Southern Water. Development early in the plan period is commended, assisting the Council in its delivery of a five year housing land supply.

3.8 Paragraph 4.8.20 immediately precedes Policy WK1. It refers to infrastructure improvements or financial contributions being required to accommodate development - secured through planning conditions or obligations. The appropriate criteria for these is set out in Paragraphs 203-206 of the National Planning Policy Framework (NPPF). The correct application of conditions and obligations can apply to the proposed development at The Glebe; allowing for the early delivery of the site for the much needed residential development identified in Chapter 2 of LPP2.

3.9 To assist the Inspector in dealing with the infrastructure issue, an alternative form of wording is proposed for Policy WK1. Beforehand, we set out an up to date position statement regarding drainage infrastructure in Wickham, including responses to the representations of Southern Water.

#### **4.0 CURRENT POSITION: DRAINAGE INFRASTRUCTURE IN WICKHAM**

4.1 Southern Water were commissioned to undertake a Stage 1 S98 Water Industry Act (S98) report. This is included within Appendix B of the Opus FRA, produced here as **Appendix 3**. The S98 report identifies the physical infrastructure required to connect the development.

4.2 Southern Water were also a main contributor to the Wickham Flood Investigation Report (WFIR). Appendix D of the Opus FRA contains a review of WFIR - **Appendix 4** (WFIR not supplied). The review found that WFIR supported the applicant's own earlier findings. In particular the responsibility and mechanism for funding maintenance/repair to the existing sewer system is set out in limb 2 of the summary; *"What strategy the statutory undertaker will follow with his works is still to be determined by Southern Water but it is apparent the funding will be from wastewater utility charges from the properties serviced by the undertaker."*

4.3 Southern Water set out their comments to LPP2 Policy WK1 in Response 355108250-Winchester City Council-Citizen Space - **Appendix 5**. In the first paragraph of comment, they welcome the policy in principle and then continue to qualify this [in the context of what the Water Industry Act allows]; *"The sewerage network experiences infiltration but as indicated in previous correspondence, from Southern Water's perspective, new development can progress in this catchment, provided it does not make the existing situation worse i.e. there is no increase in the risk of flooding due to additional flows."*

(Our Underlining)

4.4 Bryan Jezeph Consultancy (BJC) made deputation, in respect of Policy WK1, to the Local Plan committee on 29<sup>th</sup> February 2016; objecting to the moratorium. The Council's Strategic Planning Officer claimed that Southern Water supported the moratorium and, therefore, there was no need to modify the policy. As a product of discussion between Bryan Jezeph and Samuel Underwood, Stakeholder Engagement Manager for Southern Water, BJC wrote to Southern Water on 3<sup>rd</sup> March 2016 in respect of the misconception by the Council that Southern Water endorse a moratorium - **Appendix 6**. Tim Peacock-Bjurstrom of Southern Water replied by email to the letter on 17<sup>th</sup> March 2016 - **Appendix 7**. The reply reinforces Southern Water's formal response to LPP2 Policy WK1 and clearly distinguishes between existing issues on the network (which Southern Water have the responsibility for) and new development (the responsibility of the developer); *"We welcome a policy that seeks to address flooding and drainage issues in the area but from our perspective new development can proceed in this catchment, provided the development does not make the existing situation worse, i.e. no detriment.* (Our Underlining)

- 4.5 Following Southern Water's reply of 17<sup>th</sup> March 2016, BJC contacted the Council by e-mail on 21<sup>st</sup> March 2016 setting out the reinforcement of the Southern Water position that new development can proceed provided it is non-detrimental, which it would be, as this is inherent within any S98 proposal. The Council replied to this on 13<sup>th</sup> April 2016 - **Appendix 8**. In their reply it is apparent that the Council do not understand the distinction made by Southern Water between 'maintenance' works by the undertaker with respect to existing issues, and works undertaken by a developer required to connect new development.
- 4.6 Policy WK1 is contested by the developers of both main allocations within Wickham - Croudace and Bewley. A joint meeting was therefore held with Southern Water on 19<sup>th</sup> May 2016. The Minutes are produced as **Appendix 9**. At the meeting Southern Water confirmed:
- i. With respect to sites WK2 and WK3 that the S98 sewerage works identified would provide the physical infrastructure required to connect the new developments without detrimental impact on the existing network.
  - ii. An updated DAP was due for issue later in 2016. This would inform Southern Water's own maintenance works tasks. The timing of such works would be dictated by their current Asset Management Plan (AMP6 2015-2020) and may occur in AMP7 (2020-2025) as AMP6 has already been endorsed by the regulator OFWAT. These works are not the responsibility of the developers.
  - iii. There was no reason for the S98 works to have changed in the interim, as Wickham is a small closed catchment.
  - iv. The developers should seek confirmation on sewer requisitions from the independent regulator OFWAT.
- 4.7 An independent opinion from OFWAT was sought and their reply of 6<sup>th</sup> June 2016 - both letters reproduced in **Appendix 10** - verifies the position of the two developers and Southern Water in the penultimate paragraph on page 2; *"This approach ensures that the requisition charges recovered from developers are only based on those costs attributable to providing the physical infrastructure required to connect the new development (hence ensuring the new development does not have a detrimental impact on the existing network and its customers)."*

(Our Underlining)



## 5.0 SUGGESTED POLICY CHANGE

5.1 Croudace propose that Policy WK1 is changed, allowing development to proceed where it has been demonstrated that there is no adverse effect on the surface water and foul water disposal regime. The wording of Policy WK1, as it appeared in the Consultation Draft LLP2, with the exception of the last sentence, is considered appropriate. This would therefore read as follows:

*“Further development at Wickham will only be permitted provided that,*

- (i) flooding incidents in the locality, foul and surface water drainage capacity, and potential mitigation measures have been properly assessed and taken into account in testing the impact of the proposed development;*
- (ii) the development connects to the sewerage network at the nearest point of adequate capacity; and*
- (iii) surface water drainage is separated from the sewerage system and managed so that the risk of flooding is not increased within the vicinity of the site or downstream of it.*

*These requirements are necessary to ensure that development is acceptable in planning terms. Planning conditions will be applied, or planning obligations secured, to ensure that the development does not proceed until any required infrastructure is delivered to avoid increasing the risk of flooding.*

*This approach ensures that the requisition charges recovered from developers are only based on those costs attributable to providing the physical infrastructure required to connect new development; hence ensuring that new development does not have a detrimental impact on the existing network and its customers.”*

5.2 The last paragraph reflects the advice provided by Ofwat.

## 6.0 AMENDMENT TO SETTLEMENT BOUNDARY

6.1 In addition to the issues raised by the Inspector, Croudace consider that the WK3 policy area boundary, as shown on Map 23 of LLP2, should be amended so as to be consistent with the boundary of the planning application. This would only be a

minor amendment, but logical in that the site allocation would include the access road and open space / play area associated with the residential development.

6.2 It is understood from the Council that the allocations within LPP2 are based on the maps that accompany the Strategic Housing Land Availability Assessment. However, utilising the information contained in the planning application is considered to be a more accurate means by which the allocation, and settlement boundary, is defined. In particular, the improvement to the roundabout on School Road is a direct requirement of Policy WK3; and Croudace has the land under its control to deliver the improved access.

6.3 The plan produced in **Appendix 11** shows the suggested change.

## 7.0 CONCLUSION

7.1 It is concluded that:

- There is no technical objection to the development.
- WK3 has a S98 which, under the act, requires development to conform to infrastructure pre-requisites.
- WK1 does not accord with the position of Southern Water (see their LLP2 representations).
- WK1 is therefore unsound.


## APPENDIX 1

### Current Planning Application - Site Layout



## APPENDIX 2

### Southern Water Application Consultation Response, 14<sup>th</sup> December 2015



Planning Control  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

**SOLUTIONS**  
17 DEC 2015  
**RECEIVED**

Developer Services  
Southern Water  
Sparrowgrove House  
Sparrowgrove  
Otterbourne  
Hampshire  
SO21 2SW

Tel: 0330 303 0119  
Email: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

Your Ref  
15/02523/OUT  
Our Ref  
PLAN-011983  
Date  
14/12/2015

Dear Sirs,

**Proposal: Erection of 82 dwellings, alterations to junction of A32 and A334 and provision of pedestrian and cycle access. (OUTLINE Application considering access)**  
**Site: Land To The Rear Of 1 To 34, School Road, Wickham, Hampshire, PO17 5AE.**  
**15/02523/OUT**

Thank you for your letter of 09/11/2015.

Please find attached a plan of the sewer records showing the approximate position of a public foul sewers with the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. Please note:  
No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.  
No new soakaways should be located within 5 metres of a public sewer.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Southern Water Sparrowgrove House Otterbourne Winchester Hampshire SO21 2SW [www.southernwater.co.uk](http://www.southernwater.co.uk)  
Southern Water Services Ltd Registered Office: Southern House Yeoman Road Worthing BN13 3NX Registered in England No. 2366670

Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area. The developer is currently in consultation with Southern Water regarding required sewer upgrading/ requisition works to serve the proposed development (currently dealt under our reference SWS.S98.000265).

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

We suggest the following informative: 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)'.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Any works within highway/ access road will require to protect public apparatus and the protection details need to be submitted to, and approved by Southern Water.

Yours sincerely

  
Developer Services



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: SU5711SE

Scale: 1:2500

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement  
 WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: reddyma

Date: 24-11-2015

Southern Water MapGuide Browser

Requested By:

## APPENDIX 3

### FRA Appendix B, Section 98 Report



Opus International Consultants Ltd  
Modulus House  
Salterns Lane  
Fareham  
Hants  
PO16 0QS

F.A.O David Seer



Your Ref

Our Ref  
SWS-HANT-598-000265

Date  
20<sup>th</sup> Oct 2014

Dear Sir,

**S98 Water Industry Act 1991 - Foul Water Sewer Requisition.**  
**Location: Proposed development at Winchester Road, Wickham, Hants PO17 5HF**

I refer to your letter of requesting Southern Water to provide a budget estimate for the requisition of a foul water sewer at the above location.

Your application has been processed and a budget estimate prepared. Likely cost of the scheme is to be in the region of £396,782 (Including Admin fees). I must stress the preliminary nature of this estimate, which may alter considerably upon completion of detailed investigations.

In order to progress the requisition a fee of £30,122 will be required to be deposited with Southern Water before the detailed survey and design work commences. Once in receipt of this fee work will start on the design and the final scheme cost will be estimated. It is anticipated that a firm offer of terms will be made based on the final estimate within weeks from receipt of the fee (subject to completion of all surveys). This offer will remain open for acceptance for a period of three months. If at anytime you wish to withdraw from the requisition process any unspent monies will be refunded.

**Option1**  
**Section 98 Water Industry Act 1991.**  
**12 Year Guarantee Agreement Option (Foul sewer)**

A deposit of £163,400 would be required as security, against a scheme value of £396,782 (Including Admin) to be paid, on or before completion of the legal agreement and prior to commencement of construction. Annual relevant deficits, to be deducted from the deposit, are estimated at £34,015.24 in year 1 falling to £5,638.51 in year 12 based on your occupation rates. This deposit is based on estimated costs and will be recalculated once the work is complete and the actual costs are known.

The relevant deficit is defined as the amount (if any) by which the annual borrowing costs of a notional loan for the cost of providing the new sewer exceeds the revenue for that year from customers connected to that sewer.

Interest will be accrued on the balance of the deposit held before the deduction of any deficit for that year. Interest will be paid on the deposit at the rate determined and in accordance with Section 99(4) of the Water Industry Act 1991.

Any payments already received will be deducted from the above sum.

#### **Option 2**

##### **Section 98 Water Industry Act 1991.**

##### **Commuted Sum Payment Option (Foul sewer)**

This involves a deposit, equivalent to the estimated commuted sum, of £163,400 against a scheme value of £396,782 (Including Administration) to act as security and to be paid, on or before completion of the legal agreement and prior to commencement of construction. The finalised statutory commuted sum is payable when the work has been completed and the actual costs are known.

The Commuted Sum is an amount equal to the sum of the estimated relevant deficits for each of the 12 years following the provision of the sewer, in each case discounted to a net present value.

Any payments already received in respect to the estimated figure of the commuted sum will be deducted from end value of the scheme when the actual cost of the works is known.

#### **1. Scope of works.**

The proposed scope of works consists of the following:

- 31m of 225mm diameter sewer to be upsized to 1500mm diameter between MH SU57112304 and MH SU57112301.
- Rebuild of 2No. existing manholes.

#### **2. Surveys**

Identified below are the surveys that are necessary to take the proposal forward to detailed design

- Survey of 12No. manholes
- 31m of CCTV surveys on Winchester Road and the Fareham Road WPS compound between manholes MH SU57112304 and MH SU57112301.
- Topographical survey on Winchester Road and the Fareham Road WPS compound.
- Trial holes along route of sewer to be upsized. Assumed 2No will be required.
- Environmental Constraints Walkover
- Existing services survey

#### **3. Planning and Consent Issues**

- Underground development is classified as permitted development
- NRSWA
- S158 Notice (Water Industry Act)
- S159 Notice (Water Industry Act)



- Environment Agency consents for working near a watercourse.
- Consultation with the Environment Agency as works will be occurring within a Flood Zone 3 and a flood risk assessment may be required.
- Consultation with Winchester City Council as works will be occurring within a Conservation Area.
- Consultation with local businesses, in particular the Bostons Barber Shop as the existing sewer to be upsized runs just to the south of it.

#### 4. Risks

- Further modelling maybe required as the confidence in the model is considered low. Additional survey work maybe required and this has not been allowed as part of the detailed design. It could include local flow survey and may impact on the solution.
- There is a discrepancy between some of the asset data and the modelled data. The data within the hydraulic model has been used for the purpose of this investigation. It is recommended that the sewer layout is confirmed prior to further development of the recommended scheme.
- GIS records indicate a limited surface water network in the catchment, this has not been included in the model and no consideration has been made for the performance of these sewers. It is not considered likely for this to impact on the solution.
- The solution may result in low velocities within the storage tank. These should be further investigated at detailed design although use of a dry weather channel may alleviate these issues.
- No survey search has been undertaken during this study. The pipe upsized is significant and there is a risk that there may not be sufficient space in the road to accommodate it. This will need to be confirmed by trial holes undertaken at detailed design stage.
- Part of the sewer upsized will take place on land adjacent to a barber shop. There is a risk that the shop owner may be resistant to the works as it would impact on their business.
- The sewer upsized works will take place within a Flood Zone 3 and close to an existing watercourse. The EA may put onerous caveats before approving the consents for the works.
- Multiple activities need to be carried out within the site of the WPS leading to a constrained site compound / working area / site access.
- Work will be carried out adjacent to an existing watercourse and there is the risk of a pollution incident
- Work will be carried out to upsized a 2-3m deep sewer adjacent to an existing watercourse where there may be high ground water level.
- If protected species are found within the locality of the works there may be impacts upon the design, programme and cost.

#### 5. Key Environmental Risks

The following Key Environmental Risks have been identified from the desk study:

- Due to the proximity of the proposed upsizing location to the River Meon, there is potential for construction phase pollution to this receptor and downstream habitats (including SPA and Ramsar designations).
- A significant number of listed buildings occur within 200m of the proposed working area.

- Southern Water may, in addition to the upsizing assessed here, be required to provide a connection from the south west corner of the development to existing manhole SU57114002. Depending on the location of this connection, impacts to semi-natural habitats, such as broadleaved woodland, and the species they support may be incurred.

The following actions are recommended:

- Construction works should proceed in strict accordance with Environment Agency Pollution Prevention Guidelines, in particular PPG 5 on *works and maintenance in or near water*.
- The works will take place within a Conservation Area, and while no impacts to trees or buildings are anticipated, consultation should be made with Winchester City Council.
- As works will occur within a Flood Zone 3, consultation with the Environment Agency will be necessary, and a Flood Risk Assessment may be required to detail how this risk will be managed during construction.

#### **6. Health and Safety**

Part of the survey and construction works will be in the highway. Adequate traffic management precautions and permissions will be required

#### **7. Programme**

- The developer should confirm the onsite construction phasing and occupation of the site during detailed design.
- S158 Notice (Water Industry Act) – 3 month notice period
- S159 Notice (Water Industry Act) – 28 days' notice period
- New Roads and Street Works Act 1991 notices and licences
- Environment Agency consents for working near a watercourse.
- Consultation with the Environment Agency regarding as works will be occurring within a Flood Zone 3 – likely to take several weeks.
- Consultation with Winchester City Council regarding works occurring within a Conservation Area.

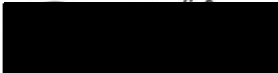
Should you wish to proceed, please forward a cheque made payable to Southern Water together with the attached remittance slip.

In addition to the above requisition costs, I would draw your attention to the fact that Infrastructure charges are payable for first time connections to a public sewer.

Contd.

Please do not hesitate to contact me for further information.

Yours Faithfully,



Dave Fortnum  
Project Manager  
**Developer Services**

Encl.  
Form 1  
Preliminary Route Plan

## APPENDIX 4

### FRA Appendix D, Review of WFIR



**Opus International  
Consultants (UK) Ltd**  
Fareham Office  
Modulus House, Salterns Lane  
Fareham, PO16 0QS  
United Kingdom  
t: +44 1329 822021  
f: +44 1329 825274  
w: www.opusinternational.co.uk

29 June 2015

#### **REVIEW OF HCC WICKHAM FLOOD INVESTIGATION REPORT (WFIR) 23 JUNE 2015**

This review analyses the content of the WFIR for consistency with previously obtained information and conclusions in regard to development of the site at School Road Wickham as set out in this FRA. The FRA is the result of investigation, consultation and proposal development which has been ongoing for this and other sites since May 2010, several years before WFIR was initiated. The consultation for the schemes have included several public meetings and exhibitions both open to whole public and direct with the Wickham Society. Throughout this process we have advised residents affected by flooding, local councillors and other interested members of the public of the responsibilities that different parties and individuals have, particularly in respect of watercourses, riparian surface water drains, public highway drains and public sewers. It was apparent early on in this process that the village needed general guidance and we have directed them to HCC as Lead Local Flood Authority (LLFA) for the co-ordination of any investigations; to Southern Water as statutory undertaker for the sewers for any existing operational and performance issues with the sewer network; to Hampshire Highways for highway drainage issues and to Winchester City Council (WCC) as LPA for future development policies.

As a general comment it is very satisfying to see that the advice and stimulation given have led to the LLFA co-ordinated investigation.

#### **Policy Framework**

National flood risk policy for development is set out in Chapter 10 of the NPPF.

Emerging WCC local flood policy for Wickham was set out in 'Committee draft LPP2 Chapter 4.8- Wickham-Sept 2014'. Consultation comments on the draft document were submitted to WCC and our set out in our letter report of 4 December 2014 (copy attached)

#### **Foul sewers:**

WFIR is consistent with our own earlier findings and investigations:

Flood effects relate to large storm events concurrent with elevated winter ground water conditions. Similar or larger summer storms do not generate sewer flood effects.

- Opus 4/12/14: Sewer flooding incidents anecdotally recited to us indicate that the rate of onset is rapid and occurs during and immediately after some high rainfall events. We have received no accounts of incidences of sewer flooding during periods of dry weather flow.
- WFIR paragraph 4.1.4 "*flood events reported are constrained to the winter months, whereas high summer rainfall....does not correlate with flooding in the study period.*"

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This inherently leads to the question of the source of groundwater or surface water entering the foul water sewer network.

- Opus 4/12/14: Given the small extent of the foul sewer network, the rapid rate of reaction and that the central core area of the village sewer system is old we are of the opinion that there is likely to be significant historic direct surface water connections within the older part of the village, and/or combined discharge from older properties, and possibly some cross connections. It is also our opinion that because the central system is relatively old there may be various defects to the pipes and chambers which allow infiltration of groundwater. The significance of infiltration of groundwater would depend on circumstances being present that raise groundwater level above the pipe level ( In general we would not expect pipes to be laid below typical groundwater levels) and on the presence of extensive minor leakage or a few key major leaks. Given that the rate of reaction is fast we consider groundwater infiltration is not the main cause. However, over the last two winters, prolonged winter rainfall patterns may have caused a background infiltration load to the sewers at times, diminishing the residual capacity.
- WFIR executive summary *“The hydraulic overloading of the system is thought to be attributable to a combination of illicit connections, inundation from surface water entering the system, and infiltration from groundwater.”*
- WFIR discusses the three sources in more detail in section 4.2.1:
  - **Inundation:** *“The inundation of the system from surface flood water is a potential mechanism for ingress into the system but the quantities of water likely to enter the system via this route is not thought to be significant.”*
  - **Illicit Connections:** *“the location of illicit connections to the sewerage network remains to be confirmed. However, it is noted that the impermeable area survey undertaken by Southern Water indicated that road gullies in Wickham have been proved to be connected to soakaways.”*  
And;  
*“There is also concern that properties using pumps to alleviate flooding in basements may be discharging groundwater to the sewerage system.”*
  - **Infiltration:** *“Where groundwater levels are elevated above the level of the sewer, it is possible that infiltration occurs from the ground into the sewer through the joints between the pipes.”*  
And;  
*“Given the proximity of low lying areas to the River Meon and the acknowledgement that infiltration has been observed in some areas, the tentative conclusion is drawn that overloading of the system is attributable more to this cause than to illicit connections or inundation.”*  
And;  
*“CCTV camera investigations have been undertaken across the catchment as part of maintenance and inspection work. These surveys indicate that infiltration into the sewer was occurring but the degree of infiltration could not be fully identified from the CCTV survey undertaken.”*

Sewer flood occurrences due to large storms concurrent with a high seasonal (winter) groundwater level would lead to prolonged pump operations periods to address the surface water (illicit connection) and groundwater (infiltration) content. This is consistent with Southern Water’s own assessment and modelling:



- WFIR executive summary; *“...the capacity of the Wastewater Pumping School and Wastewater Treatment Works is adequate to discharge legitimate foul and surface water flows for design storm events.”*
- WFIR section 4.2.1-Current Hydraulic Model: *“Southern Water advises that the current model represents the current sewerage infrastructure, including any recent schemes and recent development, to ensure population in the modelled catchment remains representative.”*
- WFIR Section 4.2.1 WTW and WPS: *“Southern Water have reported problems during heavy periods of rain where the pumps in the WPS have been operating for long periods of time and overheating.”*

### **Overarching conclusions on Foul Sewers**

1. It is clear that both the Wastewater Pumping School(WPS) and Wastewater Treatment Works (WTW) have adequate capacity for more than 99% of the time including during heavy summer storms when groundwater would be at lower levels.
2. It is also clear that groundwater ingress [due to form of construction, age and state of repair] is the dominant cause of the occasional surcharging to the sewerage network, albeit there may be other contributory components from illicit connections and possibly some inundation.
3. Rehabilitation/maintenance/relining of the affected areas may fall within an Infiltration Reduction Plan (IRP) or be undertaken as an isolated measure to secure and safeguard the residual sewerage capacity and prevent WPS pumps being subject to long operational periods and overheating. Such works would be undertaken by the Statutory Undertaker. Such maintenance works relate to existing infrastructure and are unrelated to any new development.
4. The determination of works required to the public foul sewerage infrastructure to facilitate the proposed development at School Road is set out in the S98 Stage 1 report from Southern Water contained in the FRA for the development. Southern Water is required to advise the works required to facilitate the development only and is not permitted to inflate/expand the scope of development work to resolve any existing operational and maintenance issues for which it already bears statutory responsibility to address as part of its normal operations and maintenance duties. Ie The S98 Stage 1 work will by definition have no negative impact on existing sewer surcharge events, and the delivery of these developer funded S98 works would be independent of any programme of Statutory Undertaker’s maintenance works funded through wastewater billing to serviced properties (paragraph 3 refers).
5. One option WFIR includes in Table 11-2 is for the WPS to pass forward higher flows. This is only one of many options and is noted to be subject to economic viability to the potential funding body. The S98 stage 1 report determines that WPS pump capacity does not need to be altered to facilitate development at School Road as in line storage would be provided. Increased pass forward flow rate would hence be to service the existing infiltration operation and maintenance issue and so be funded by the Statutory undertaker. It is a matter for the statutory undertaker whether they elect to treat the cause and reline or replace existing pipework, or elect to address the symptom by increasing forward flow rate. The latter inherently increases the throughflow at the WTW and may not be a permanent solution as



deterioration of existing untreated pipework is likely to lead to increased infiltration rates in future.

6. Another option WFIR includes in Table 11-2 is to relieve load on the WPS by diverting some flows direct to the WTW. Again if the infiltration causing the surcharge is not directly addressed and remedied there will be higher throughflows to the WTW in the interim and the load relief may not be permanent as deterioration of existing untreated pipework is likely to lead to increased infiltration rates in future.

### **Groundwater**

Groundwater flooding is generally limited to properties in the lower parts of the village with basements. The areas of higher permeability soils at or near the surface are generally prevalent at the locations of the affected properties. The ground conditions discussion in WFIR paragraph 3.1.3 is based on desktop generic generalisation of regional soil properties and not on site specific soils or groundwater data. Whilst detailed site soils investigation has yet to be undertaken on the School Road site investigations of the same strata on the opposite side of the valley indicate soils are of very low permeability and groundwater flooding is not an issue.

### **Fluvial Flooding**

The School Road site is located wholly within flood zone 1 and is remote from areas of fluvial flood risk, so is consequently not at risk of fluvial flooding.

### **Surface Water Runoff**

As set out within this FRA the proposed development site at School Road is currently used as agricultural pasture and arable fields. The site is located on land above the existing village and drained by a watercourse on the south side of the land which has historically been culverted beneath the A32. It is not proposed to develop the northern part of the site but to leave this as public open space so there will be no impact on the naturally occurring greenfield flows from this area.

A small part of the site falls within WFIR flood cell 2. However the cell boundary as drawn is somewhat arbitrary. Whilst it includes the existing property and highways it is suspected that the inclusion of the corner of the field behind is arbitrary as this area of the field does not contain any flood risk areas and comprises greenfield runoff only.

WFIR paragraph 10.2.3 identifies increasing impermeability of the existing village and cites existing School Road properties as an example where the post occupancy actions of existing residents by adding drives and patios creates greater surface water load. WFIR advocates that residents undertaking such work should be compelled to provide independent drainage for their development.

The School Road development proposal includes enhanced storage provision such that post development discharge rates will achieve a 20% reduction on the predevelopment greenfield  $Q_{BAR}$  run off rate. This will provide additional benefit beyond options identified in WFIR 10.2.3.



From previous discussion with the WCC Drainage Engineer he has a depth of knowledge with regard to various riparian surface water culverts. It is strange that the WFIR contains no schematic mapping of key riparian surface water drains or culverted watercourses.

#### **SUMMARY**

- The development proposals accord with the NPPF and LPA policy in respect to flooding and WFIR does not alter these policies.
- The occasional sewer surcharging appears to be predominantly due to groundwater infiltration. What strategy the statutory undertaker will follow with his works is still to be determined by Southern Water but it is apparent the funding will be from wastewater utility charges from the properties serviced by the undertaker. WFIR is consistent with our own findings on the cause(s) of the surcharge.
- WFIR executive summary confirms adequate capacity of the WPS and WTW for legitimate foul and surface water flows for design storm events. The S98 stage 1 report sets out the works required to the sewer network to service connection (foul water) of development at School Road. These S98 works will be funded by the developer.
- With respect to surface water WFIR accords with our earlier findings and is consistent with the proposals put forward for surface water management on the site.
- It is clear from the phrasing within WFIR that Southern Water are not responsible for non sewer matters ie riparian surface water systems. It is also clear that there is still only limited information on these riparian surface water systems. It remains our position, as set out in paragraph 12 bullet 3 of our letter report of 4 December 2014, that for riparian surface water drains:

*“As discussed in paragraph 7 maintenance/betterment of the existing riparian surface water network is the responsibility of the respective riparian owners. Although a shared community infrastructure asset we anticipate that not all the private riparian owners would be willing to fund the element for which they bear responsibility and consensus is therefore unlikely whilst it has a cost implication to the owners. However as a shared community infrastructure asset maintenance/betterment funding could be secured by placing the works on the WCC CIL Regulation 123 List. The mechanisms to resolve the existing [surface water] drainage problems are therefore already in place.”*





## APPENDIX 5

### Southern Water LPP2 Response; Wickham

In principle, we welcome a policy that seeks to address flooding and drainage issues in Wickham. Southern Water has been working closely with the Lead Local Flood Authority (Hampshire County Council), as well as other flood risk management authorities, in the delivery of the Wickham Flood Investigation Report. This report identifies that the causes of flooding in Wickham are complex and vary across the catchment. Accordingly, a range of flood mitigation measures have been identified with an overall recommendation that there should be a 'multi-agency collaborative approach'.

The sewerage network experiences infiltration but as indicated in previous correspondence, from Southern Water's perspective, new development can progress in this catchment, provided it does not make the existing situation worse i.e. there is no increase in the risk of flooding due to additional flows. The mechanism that this can be achieved is by the development making a connection to the sewerage system at the nearest point of adequate capacity. Only foul water from the development should discharge to the sewerage system. No surface water or groundwater should discharge into the foul sewerage system, whether this is by direct connection, underground leakage or inundation from the surface. We welcome the recognition of the need for additional sewerage infrastructure and surface water infrastructure in policies WK2 and WK3. This approach is consistent with national policy, in particular, paragraph 99 of the National Planning Policy Framework, which requires that 'when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures'.

Southern Water is producing a Drainage Area Plan (DAP) for the wastewater catchment of Wickham, this will consider the flood issues and identify improvement options. This DAP will be completed during 2016 and may include schemes where several stakeholders have responsibility. The development of schemes will be prioritised and help inform Southern Water's capital programme for the current period (2015-20) and ongoing five yearly Business Plans. The development of the DAP will include collaborative working with other stakeholders.

## APPENDIX 6

BJC Letter 3<sup>rd</sup> March 2016

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*Our Ref:- WIN/330/BSJ*

Southern Water  
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BN13 3NX

3 March 2016

For the attention of Mr Samuel Underwood  
Stakeholder Engagement Manager

Dear Mr Underwood

### **Foul Drainage Issues in Wickham Village**

Thank you for speaking to me yesterday at the Planning and Transport Committee. As I explained in our conversation, I made a Deputation to the Local Plan Committee on Monday 29 February in respect of Winchester District Local Plan Part 2. I was objecting on behalf of my clients, Bewley Homes Plc., who have an option on land off Winchester Road, Wickham. The company has submitted two schemes for adjoining sites for 100 and 25 dwellings respectively.

My presentation explained that my clients had agreed a solution for the disposal of foul drainage that did not impact upon the flooding issues elsewhere in the village. I was objecting to the moratorium on any development set out in Policy WK1 (copy attached). I have attached the letter from Southern Water dated 28 May 2013 to OPUS International (the Consultants instructed by Bewley Homes) for your information.

In response to my deputation, the Council's Strategic Planning Officer, Jenny Nell, claimed that Southern Water supported the moratorium and, therefore, there was no need to modify the Policy.

As matters stand, I have submitted objections to the forthcoming Examination due in June/July stating that we have an agreement with Southern Water which would allow my clients' development to proceed without any consequences for the surcharging issues at Bridge Street. On the other hand, the Council will state that Southern Water support the moratorium. Bewley Homes have instructed Counsel to prepare a Response to the Council's Policy stating that the Council is acting improperly in circumstances in which my clients have an agreed solution (as set out in the letter dated 28 May 2013) and that they are unwilling

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**RTPI**

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**RICS**

# BJC BRYAN JEZEPH CONSULTANCY

to make financial contributions to any works required to resolve this matter as this would not be compliant with the Government Regulations.

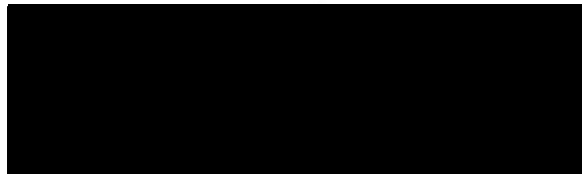
I have also attached the Exhibition Board that was displayed to the local residents at an Exhibition last year. The pipelines coloured blue show the route of the pipeline that would serve my clients' land. The lines coloured yellow show the route of the pipeline that would serve the land known as the Glebe (controlled by Croudace Homes).

The lines coloured red show the pipelines that pass the site in Bridge Street which surcharges at times of heavy rainfall. This is caused, I am advised, by the fact that surface water passes into the foul drainage network.

Obviously, it is important to clarify the position as soon as possible particularly as the Council is threatening to refuse planning permission for both the 100 and 25 unit schemes, primarily on the basis of the moratorium. These applications are due to be determined in the near future.

I would be most grateful if you could help to resolve this conflict which is likely to cause problems both in the event of a planning appeal and at the Local Plan Examination.

Yours faithfully



Bryan S. Jezeph BA DipTP MRTPI FRICS FRSA

Enc.



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## APPENDIX 7

### Southern Water E-Mail 17<sup>th</sup> March 2016

Dear Mr Jezeph,

Thank you for your letter dated 3rd March 2016, regarding foul drainage issues in Wickham village.

You outlined that Southern Water supported a moratorium on development as set out in Policy WK1. Southern Water has responded consistently to Local Plan consultations. We welcome a policy that seeks to address flooding and drainage issues in the area but from our perspective new development can proceed in this catchment, provided the development does not make the existing situation worse, i.e. no detriment. This can be achieved if the development connects to the sewer system at the nearest point of adequate capacity in the sewerage network and is constructed to minimise surface and groundwater inundation. Our response is available on Winchester District Council's web site using the following link: [https://winchester.citizenspace.com/policy-and-planning/publicationlpp2/consultation/view\\_respondent?uuld=355108250](https://winchester.citizenspace.com/policy-and-planning/publicationlpp2/consultation/view_respondent?uuld=355108250).

We responded to this effect, to both the planning applications you refer to (Land off Winchester Road, Wickham). Likewise our responses are available on Winchester District Council's planning web site.

I trust the above is satisfactory. However, if you have any questions or need to clarify, the Developer Services helpdesk number is 0330 303 0119 and is available Monday to Friday from 9am to 4:30pm.

Yours sincerely,

Tim

**Tim Peacock-Bjurström**  
**Performance & Process Improvement Manager**  
**Developer Services**

## APPENDIX 8

Council Letter 13<sup>th</sup> April 2016



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Director**

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Mr Bryan Jezeph  
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Our Ref: ST/gb  
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13 April 2016

Dear Bryan

**Land at Winchester Road, Wickham – Alleged Misleading Statement**

Thank you for your email of 21<sup>st</sup> March 2016 asking me to respond to your allegation that Jenny Nell misled the Cabinet (Local Plan) Committee meeting on 29<sup>th</sup> February 2016 in relation to Southern Water's views on the Local Plan Part 2.

I have looked into this matter and I do not agree with the allegation. In my view, the Committee was given accurate information. I will explain why I reach that conclusion.

In your deputation and your recent email you maintain that your client has reached agreement with Southern Water in relation to a network connection for their proposed scheme in Wickham. You suggest that this means, ipso facto, they do not support what you call the moratorium on development proposed in policy WK1 - contrary to what Mrs Nell told the committee.

You attached the reply to a recent letter you wrote to Southern Water which you say confirms your argument. I read their reply somewhat differently. Southern Water refer you to their representation on the Pre-Submission Local Plan. From this, you will note that Southern Water 'welcomes' the policy in principle (as also confirmed in the Southern Water email) and notes that it has worked closely with other agencies on the Wickham Flood Investigation Report. Their representation does include suggestions for a number of detailed wording changes to the explanatory text of policy WK1 but makes no suggestion for any change to the policy itself.



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The changes suggested by Southern Water in relation to paragraphs 4.8.16 - 4.8.18 in no way seek to alter what you call the 'moratorium' on development imposed by policy WK1. Paragraph 4.8.17 concludes that significant new development would increase the risk of flooding to existing properties and paragraph 4.8.18 therefore seeks to resist further significant development (including of your client's site) until a multi-agency drainage strategy is in place to avoid exacerbating drainage problems and provide solutions where justified. This is a reasonable response to an infra structure problem.

You are correct in saying that Southern Water, in their response to you and in their response to us, say that development can take place if it can connect to the sewer system at the nearest point of adequate capacity in order to ensure that development does not make the existing situation worse. But we understand this to be a statement entirely consistent with the policy to the effect that that if and when the problem of adequate capacity can be resolved then development can proceed – which is exactly our position as well. The point is that, at present, it is not clear how it can be achieved. Until the multi-agency strategy required by policy WK1 is produced it is not possible to confirm whether there is a 'point of adequate capacity' for new developments to connect to, or where it is.

At the Cabinet meeting you gave the impression that Bewley Homes does indeed have an agreed a solution for both the disposal of foul and surface water drainage with Southern Water which will have no implications for drainage issues elsewhere in the village. I draw your attention to Southern Water's comments on your client's planning applications (dated 4.11.2015), which start off by saying:

*'Following initial investigations, Southern Water **cannot accommodate the needs of this application without the development providing additional local infrastructure.** The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.'*

Southern Water go on to recommend that development is subject to a 'Grampian' condition restricting development *'until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker'*.

The solution for foul drainage proposed by your client is based on a 'capacity check' letter from Southern Water dated 14.6.2010 (which was only valid for 12 months from that date) and a foul sewer requisition letter from Southern Water dated 23.5.2013 (which sets out several options, none of which have been taken). These letters pre-date the Wickham Flood Investigation Report and Southern Water's response to your planning applications.

I would suggest that it is therefore considerably overstating the case to say that Southern Water is content with your client's proposals or that what they have said to you is inconsistent with their support for the proposed policy. The fact that they have asked for a

Grampian condition suggests that they remain to be satisfied that there is an acceptable solution – and it is for that reason that WK1 is proposed. Their approach to your client's application and the Local Plan Policy is therefore consistent, although expressed differently, and, allowing for the necessity of simplification, was accurately reflected in Mrs Nell's comments.

Yours sincerely



Steve Tilbury  
Corporate Director

## APPENDIX 9

### Minutes of Meeting with Southern Water, 19<sup>th</sup> May 2016



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19 May 2016

#### **Meeting RE Foul water sewer requisitions in Wickham**

- Venue: Southern Water offices, Otterbourne
- Present: Andy Morris & Victoria Groves                      Bewley homes  
          Bryan Jezeph    Bryan Jezeph Consultancy  
          Mark Bentley    Croudace Homes  
          Peter Atfield    Goadsby  
          Andy Traves    Opus  
          Stuart Ward    Southern Water  
          Tim Beacock-Bjurstrom                              Southern Water
- Purpose: To clarify and confirm Bewley Homes, Croudace Homes and Southern Water positions with respect to Winchester City Council LPP2 proposed policy WK1.
1. BJ explained background to all. WCC are asserting that Southern Water response to LPP2 endorses a moratorium on new development until existing surcharge problems associated with the current public sewer network are resolved. Bewley/Croudace assert that provided the S98 works identified by Southern Water are implemented ahead of any occupancy this would ensure the new development does not have any detrimental impact on the existing network and its customers.
  2. SW explained that Southern Water do not endorse a moratorium. The S98 reports provided to each developer identify works required to the network to facilitate the new developments whilst not having detrimental impact on the existing network.
  3. AT further explained that WCC misunderstand S98 of the Water Industry Act, and what can legally be included within the identified works and what cannot, and also misunderstand the distinction between:
    - a) Works to enable new development (without detriment to existing network) and funded by the developer- ie S98
    - b) Works to address operation and maintenance issues within the existing network (to resolve existing network issues) and funded through the current utility bills as regulated by OFWAT
  4. SW explained that the S98 reports can only identify work necessary to provide the physical infrastructure required to connect the new development, and inherently ensure the new development does not have a detrimental impact on the existing network.

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5. SW further explained progress on updating of the Drainage Area Plan (DAP) as referenced in the Wickham Flood Investigation Report (23/6/15). Updating of the DAP would be used to inform maintenance works tasks and programme. This would usually be done through the Asset Management Plan (AMP). The current work to update the DAP will inform the next AMP and unless there were extenuating circumstances identified works were unlikely to be implemented during the current AMP period as this has already been agreed by OFWAT. The current plan is AMP6 2015-2020. AMP7 will commence in 2020. Identified maintenance works are funded through the utility bills. Southern Water cannot charge these to developers as these are independent of the S98 works required.
6. BJ enquired as to the date the DAP update would be finished? SW replied this was not in his direct remit but he believed flow monitoring was being undertaken as part of the update, and it was therefore unlikely that this would be complete until at least the Autumn as Summer rainfall may not produce sufficient suitable rainfall events.
7. BJ: WCC had questioned the date of the foul water capacity checks but Bewley/Croudace understand this is irrelevant as the S98 reports had subsequently taken the issue forward.
8. SW explained that the S98 reports moved on from a basic is there currently FW capacity question, to answering what work needs to be done to provide the physical infrastructure required to connect the new developments (without having detrimental impact on the existing network). The S98 reports do not have a validity period and the works in these are independent of any works which may come from the DAP and go into the next AMP.
9. AT observed that Wickham is a small isolated catchment and the load from the proposed Bewley Homes development had now been refined through LPP1 from 160 to 125 dwellings so the S98 would be conservative.
10. SW agreed there was no reason for the S98 works required to have changed in the interim and would consult with colleagues (Dave Fortnum) to see if it would be possible within the Water Industry Act framework to issue an update prior to the date of LPP2 hearing ( 19<sup>th</sup> July)
11. BJ/PA asked if Southern Water could send a further submission to WCC?
12. SW replied that this was not necessary. The Southern Water S98 reports and response to WCC LPP2 were consistent. Southern Water do not support a moratorium on new development in the interim. Southern Water only require that works are implemented prior to occupancy to provide the physical infrastructure required to connect the new development, these works being identified in the S98 reports. This is independent of sewer works which may arise out of the DAP update, which in any case would be funded through utility bills.

13. SW suggested that an enquiry be made to OFWAT by the developers which would provide independent confirmation as to what is required to enable new development to be serviced via S98 requisition.
14. PA enquired who would attend the hearing from Southern Water. SW advised that he had not yet received the current list of attendees, which now includes Southern Water. SW further advised this was likely to be a colleague from the policy team and would be able to confirm this later.
15. It was agreed by all that Bewley Homes, Croudace Homes and Southern Water positions were consistent and that the new development could be serviced by the works identified in the S98 reports without detrimental impact on the existing network.

Post meeting note

This would meet WCC LPP2 policy WK1 driver: “...to ensure development does not increase flood risk ...” and “ ...ensure development does not proceed until any required infrastructure is delivered to avoid increasing the risk of flooding.”



## APPENDIX 10

### Correspondence to and from Ofwat



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19 May 2016

OFWAT  
Case Work Team  
City Centre Tower  
7 Hill Street  
Birmingham  
B5 4UA

FAO: Helen Cox

EF1523 & EG7711/APT

Dear Sirs

**RE: S98 REQUISITIONS, WICKHAM, HAMPSHIRE**

We write to seek independent opinion/confirmation from yourselves in respect of the extent to which the statutory undertaker for foul sewerage services, in this case Southern Water, can legitimately charge developers (S98 Water Industry Act) for new foul sewerage apparatus. In particular the distinction between operation and maintenance work to the existing network, as compared to works required to support new development.

It is our understanding the operation and maintenance works to the existing network are the responsibility of the undertaker (Southern Water) and the funding for such actions essentially comes from the sewerage bills raised by Southern Water and paid by the various property owners and operators who discharge to the network ie the beneficiaries.

It is also our understanding that the works and costs identified in the S98 stage 1 reports produced by Southern Water for two proposed developments:

- i. Can only cover works required to support those developments
- ii. Cannot be of 'inflated scope' to cover maintenance and operations work not required to support the development.

It is also our understanding that the works identified in the S98 stage 1 reports:

- iii. Cannot be detrimental to the existing network

We act as consulting Engineer to the developer of each site and consider that the S98 stage 1 reports ( Refs SWS-HANT-S98-000164 and SWS-HANT-S98-000265) are appropriate and accord with aspects (i)-(iii) above.

The Local Planning Authority (LPA) however do not appear to appreciate the distinction in responsibilities between:

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- Maintenance work to the existing infrastructure, undertaken by the operator and funded through sewerage bills.
- Network development work, to accommodate new development, undertaken by the undertaker and funded by the developers (S98)

The LPA are conflating the two independent issues. Although Southern Water have provided consultation responses to the LPA in which Southern Water confirm:

- The network as it currently stands could not support the proposed developments.
- The S98 stage 1 reports identify the works required to provide the capacity to support the proposed developments.

It is inherent but tacit in the two reports that:

- The identified works will not be detrimental to the network.
- So would not and cannot address maintenance work elsewhere not required to support the proposed development.

We would be grateful to receive your independent confirmation that:

- a) The undertaker is not permitted to 'inflate' the scope of works within S98 to encompass maintenance works not required to support the development. Ie The undertaker cannot pass costs to developers for discharging the undertakers own responsibilities (maintenance), which are funded by the undertakers sewerage billing, which is regulated by yourselves (OFWAT).
- b) The undertaker cannot put forward in the S98 stage 1 a scheme of works which would be detrimental to the existing network. ie The LPA can be reliant upon the S98 works that the proposed developments can be supported by the network.
- c) That maintenance works to the existing network are a matter for the undertaker themselves and that the LPA can be reliant upon yourselves (OFWAT) that the undertaker addresses such maintenance work as may be appropriate in a manner and programme regulated by yourselves in the public interest.

We can provide additional information if required but the enquiry is one of principles rather than technical details. We would also clarify that there is no dispute between the developers' teams and Southern Water as we are all of the same understanding as set out above.

A reply by 14 June would be appreciated to meet the required timescale.

Yours sincerely

**A P Traves**

for Opus International Consultants (UK) Ltd





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6 June 2016



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Dear A P Traves

**Reference: Section 98 requisitions**

Many thanks for your letter, dated 19 May 2016, which was about water companies' responsibilities with respect of sewer requisitions under section 98 of the Water Industry Act 1991 ("the Act"). My apologies for our delay in responding to you.

In your letter you ask for clarity about what water companies can legitimately charge developers for "new foul sewerage apparatus" under section 98 of the Act, and in particular in terms of charges relating to the operation and maintenance work to the existing network, rather than works required to support new development.

Sections 99 -100A<sup>1</sup> of the Act set out the method for calculating the charge a water company can recover from a developer when it is requested, by the developer, to provide a new public sewer under section 98 of the Act. You may be familiar with this calculation. The prescribed methodology offers two payment options, either annual payments over 12 years, or a single payment of the "discounted aggregate deficit", often referred to as a "DAD payment".

The calculation of these options are both based on what are considered to be the "costs reasonably incurred" in providing the requisitioned infrastructure, with an income offset then applied to reflect the revenue the water company estimates it will

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1991/56/section/99>

Sally Irgin, Associate Director – e. [Sally.Irgin@ofwat.gsi.gov.uk](mailto:Sally.Irgin@ofwat.gsi.gov.uk)

A P Traves  
6 June 2016  
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receive from the newly connected premises over the 12 years following the provision of the infrastructure.

Section 100 of the Act details what costs can legally be considered to be "costs reasonably incurred" for the purposes of calculating the charge:

- Section 100(2) states that these costs should not include costs incurred in the provision of additional capacity beyond the requirement of the requisition (i.e. that are not directly attributable to the new development). See more below.
- Section 100(4)(a) states that the costs can include the costs of providing other infrastructure that it is necessary to provide in consequence of the new sewer (i.e. the requisitioned sewer). For public sewers this "other infrastructure" specifically includes "other public sewers" and "pumping stations" (either or both of which may be off-site from the new development itself).
- Section 100(4)(b) states that the costs can include a proportion of the costs incurred in providing additional capacity in a requisitioned earlier sewer (provided in the 12 years preceding the new sewer being requisitioned) which falls to be used in consequence of the new sewer.

Therefore, where they are considered necessary to provide in consequence of a new development and reasonably incurred, the Act allows a water company to include the costs of certain off-site work in the calculation of a requisition charge for a new sewer.

If off-site infrastructure is provided due to being necessary in consequence of a section 98 requisition, but will also serve the water company's existing customers and/or potential future development(s), we would typically expect the costs reasonably incurred to be apportioned between the relevant customers (with existing customers paying via their bills). In the majority of cases where this is an issue we consider it is most appropriate to apportion costs on the basis of the percentage of the total capacity provided that is used by the customer.

This approach ensures that the requisition charges recovered from developers are only based on those costs attributable to providing the physical infrastructure required to connect new development (hence ensuring the new development does not have a detrimental impact on the existing network and its customers).

Further information on this, and other common areas of dispute in relation to developer charges, along with our general expectations of water companies in relation to providing new connections can be found on our website at:

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<http://www.ofwat.gov.uk/regulated-companies/company-obligations/new-connections/>

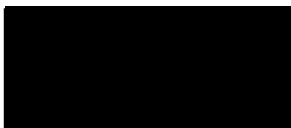
I am unclear from your letter what specific "maintenance and operations works" you have concerns about being included in a requisition charge. And I am afraid the legal requirements of the Act do not distinguish between different stages of the scoping of works for a requisition (e.g. Stage 1 reports) with charges reflecting the final works provided. But typically on-going service through the new infrastructure provided by a requisition is then funded through customer bills. Likewise maintenance of the existing network for existing customers is funded through customer bills. Ofwat regulates the total revenue water companies can collect to ensure water companies have appropriate funds to efficiently fulfil their statutory obligations as water and sewerage undertakers.

The remainder of your letter concerns the discussions you appear to be having with the relevant local planning authority for the development schemes you are acting on behalf of. Ofwat does not have any legal role in relation to such planning applications under the statutory planning system. It is local planning authorities that have legal powers to make decisions in relation to planning consents and any related conditions. Their decisions may be informed by information and comments provided by interested parties, such as water companies. I hope however that the above information provides you with the clarity need to progress your discussions.

It is also worth highlighting to you that the steps are currently underway to change the charging arrangements for new connections, following changes introduced by the Water Act 2014. We published a discussion document on this earlier this year, and are due to consult formally on proposals over the summer. Further details can be found at: <http://www.ofwat.gov.uk/consultation/new-connections-charging-emerging-thinking-discussion/>

I hope this response is helpful.

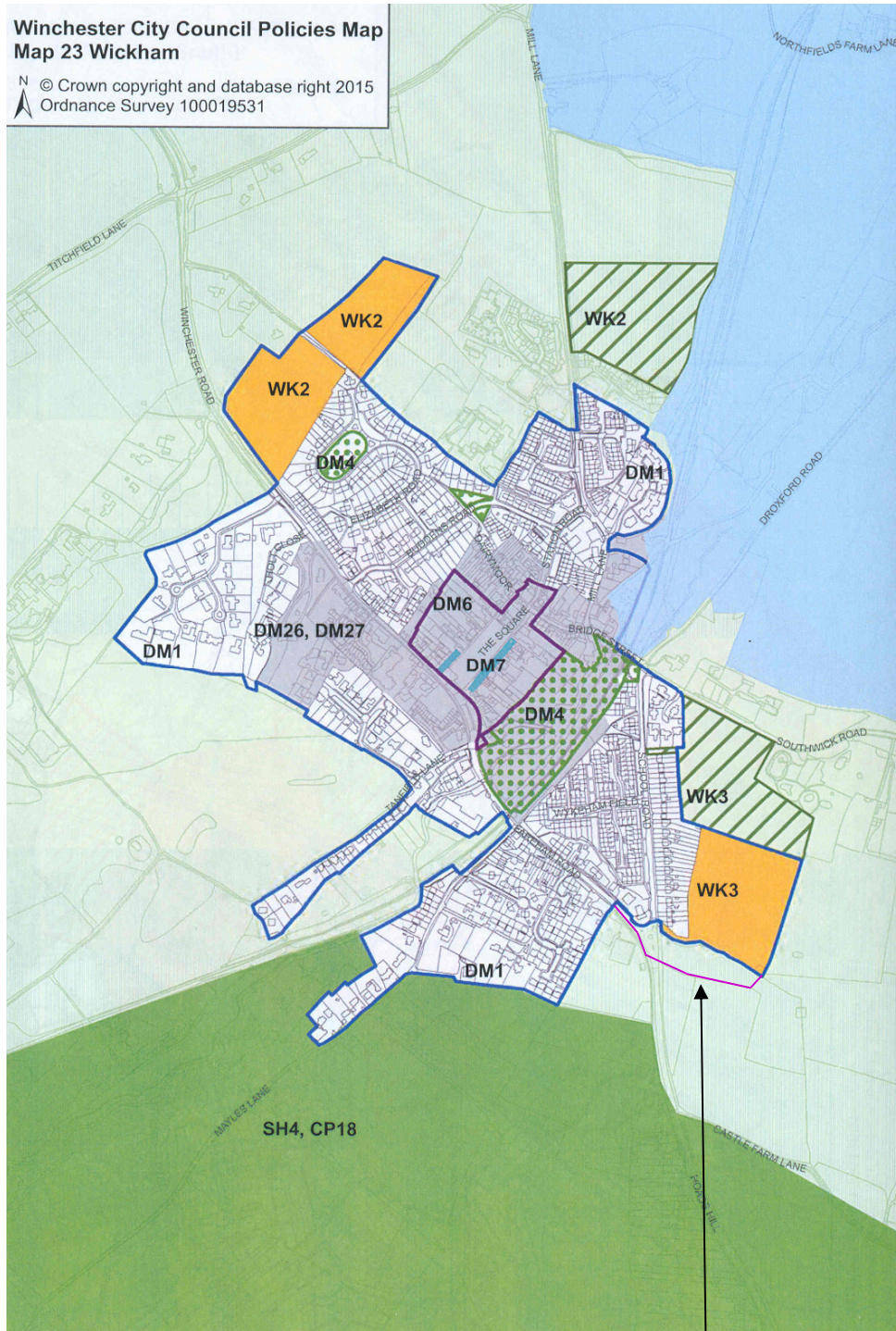
Yours sincerely



**Sally Irgin**  
**Associate Director**

## APPENDIX 11

### Proposed Change to Policy Area WK3 Allocation, and Settlement Boundary



— Proposed Change to WK3 Site Allocation & Settlement Boundary