

London Borough of Ealing

Local Development Framework Submission Development Strategy

1 Statement of Uncommon Ground between:

- London Borough of Ealing (LBE); and
- Thames Water Authority

2 Purpose of this statement:

The purpose of this document is to inform the Inspector and other parties of the positions of Thames Water and LBE on these matters.

3 Background

This Statement of Common Ground relates to the representations made by Thames Water to LBE's Development Strategy Final Proposals (September 2010).

Representation Number	Policy	Chapter / Paragraph	Summary of Representation	Council's Response	Council's Proposed Action	Thames Water's Response
292	6.1		<p>In order to meet the test of 'soundness', as set out in PPS12, a DPD must be found to be 'justified', 'effective' and 'consistent with national policy'. As a result, core strategies must contain policies or proposals that are in line with national guidance to be found sound, as well as be in general conformity to the Regional Spatial Strategy. We believe that the current Development Strategy is inconsistent with national policy and consequently 'unsound' as there is no detailed policy on water and wastewater utility infrastructure.</p>	<p>This representation is more relevant to the management of development e.g. to the DMDPD than to the Development Strategy whose role it is not to set out detailed policies regarding the provision of utilities infrastructure in developments but to set out the key vision for the borough based on development quanta. Policy 6.1 further identifies Utilities and energy as one of the key components of physical infrastructure the sustainable provision of which the Infrastructure delivery Plan will monitor in relation to development quanta in the borough.</p>	No change	<p>We maintain our position stated in our representations that the Core Strategy is the appropriate DPD to provide support for utility infrastructure. PPS12 states that Core Strategies should be informed by the infrastructure planning process and should make clear how infrastructure which is needed to support the strategy will be provided, underpinning this should be a specific policy supporting the wider necessity for utility infrastructure as well as ensuring development is brought forward in tandem with infrastructure required for growth. This is fundamental to achieving the Council's sustainable objectives and therefore should form a key part underpinning the Council's Core Strategy</p> <p>Changes:</p> <p>Proposed policy</p> <p>"Utility infrastructure</p> <p>Utilities and energy – identify and promote improvements needed in respect of water use, sewerage and sustainable urban drainage; energy use and the contribution made by renewable energy on a site by site and a neighbourhood basis.</p> <p>Utility Infrastructure will be required to serve the requirements of the District's residents and businesses. New Development proposals must ensure that adequate infrastructure capacity is available to meet the needs of future occupiers and not intensify existing deficiencies. The necessary infrastructure should be put in place in a timely manner, and where appropriate prior to the occupation of the development.'</p> <p>We also consider that the following sub-text should be included in the policy to reinforce the important references to water and sewerage infrastructure capacity:-</p> <p>"The Council will also seek to ensure that there is adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve all new</p>

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In order to meet the test of 'soundness', as set out in PPS12, a DPD must be found to be 'justified', 'effective' and 'consistent with national policy'. PPS12 also states that core strategies must comply with legislation and have a legal requirement to 'have regard to national policy' and to be in general conformity to the Regional Spatial Strategy. Whilst Regional Spatial Strategies were revoked by the government on the 6th July 2010, the London Plan was identified as continuing to provide the spatial planning framework for London boroughs.

Noted

No change

developments. Developers will be required to demonstrate that there is adequate infrastructure both on and off the site to serve the development and that it would not lead to problems for existing users or future occupiers.

In some circumstances a drainage strategy will need to be produced by the developer in liaison with Thames Water to ensure the appropriate upgrades are in place ahead of occupation of the development. Where there is a capacity problem or potential adverse amenity impact on future occupiers, and no improvements are programmed by the statutory undertaker, the Council will require the developer to fund in full the appropriate improvements which must be completed prior to occupation of the development.

The development or expansion of water supply or waste water facilities will normally be permitted, either where needed to serve existing or proposed development in accordance with the provisions of the Development Plan, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impact and that any such adverse impact is minimised."

We maintain our position stated in our representation and written statement that the Core Strategies are the appropriate DPD to provide support for the Thames Tunnel project. PPS12 states that Core Strategies should be informed by the infrastructure planning process and should 'make clear how infrastructure which is needed to support the strategy will be provided (para. 4-45). PPS12 also states that Core Strategies should 'set out how much development is intended to happen where, when, and by what means it will be delivered' (para 4-1) as well as make 'clear spatial choices about where development should go' (para 4-5).

We welcome the identification of the Acton Storm Tanks site on Map 10, however, this makes policy support for the provision of the Thames Tunnel development is considered more relevant and necessary to the Core Strategy, rather than as an appendix. The Infrastructure Delivery Schedule also

294	7.4 Appendix Four	Pg. 92	As mentioned previously, in order to meet the test of 'soundness', as set out in PPS12, a DPD must be found to be 'justified', 'effective' and 'consistent with national policy'. As a result, core strategies must contain policies or proposals that are in line with national guidance to be found sound, as well as be in general conformity to the Regional Spatial Strategy (paragraph 4.33). We believe that the current Development Strategy is inconsistent with national policy and consequently 'unsound'.	Noted	No change	<p data-bbox="2169 218 2653 365">identifies the Thames Tunnel as critical to the delivery of the Core Strategy, making policy support even more essential. This approach would be consistent to a number of other London Boroughs' Core Strategies.</p> <p data-bbox="2169 396 2653 596">In addition, Ealing published their Initial Proposals Development Management DPD in September 2010 and provided no local variation policy to support the Thames Tunnel. The Core Strategy is thus the appropriate document given the Thames Tunnel does not appear in any other DPD.</p> <p data-bbox="2169 701 2653 984">The Infrastructure Delivery Schedule Appendix has been amended in the Submission Document (July 2011) in accordance to our representation. However, we believe the word 'small' in reference to the site location to be ambiguous and potentially misleading due to its subjective nature. Therefore, to facilitate the delivery of the project, we request the word 'small' to be removed.</p>
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5 Suggested further modifications to the Development Strategy to address outstanding issues

The GLA have suggested additions to assist with the clarity and consistency of Chapter 6 and Appendix 3, with particular reference to the Thames Tunnel Sewer project. A symbol has been added to Map 10 to indicate the project at Acton Storm Tanks Site. The Council accepts that Chapter 6 wording should now include 'utility' in the description of infrastructure types, as Paras. 6.4-6.6 below.

A) Update to Map 10

A symbol has been added to Map 10 to indicate the project at Acton Storm Tanks Site.

B) Suggested addition to first paragraph:

'Existing communities and residents coming into new development in the borough will need additional health facilities, schools, leisure, transport, utility and community facilities. As indicated in chapter one, the sustainable delivery of the Development Strategy requires good infrastructure planning. This chapter provides more information on infrastructure requirements and delivery.'

C) Suggested addition to second paragraph:

'To create sustainable communities, providing housing and employment opportunities alone is not sufficient. There is a need to provide the necessary supporting 'infrastructure' of transport, schools, open space, community, health, utilities and leisure services etc to support the local population and those who visit or work in the borough. A range of organisations provide these services but there is currently little or no integration of that provision meeting neither the needs of existing communities nor those of the future.'

D) Update to Infrastructure Delivery Schedule

The IDS at Appendix 3 has also been updated regarding the phasing, location and cost of the sewer project.

6 Conclusion

TWA maintains its objections to the form of the infrastructure delivery policies in Ealing's Development Strategy (DS).

LBE does not accept that the points made by TWA relate to the soundness of the policies set out in Chapter Six of the submission Development (Core) Strategy or to the soundness of the DS as a whole.

There appears to be confusion between the requirement identified in PPS12 for the development process of plans to be informed by infrastructure need, and the expression of policies designed to address the delivery of that identified infrastructure. To the extent that the proposed wording adds anything to the policy as drafted, it is solely as a statement of intent on the part of LBE.

GLA suggested additions to the policy on the grounds of clarity and made clear that this was not an issue of conformity or soundness. LBE agrees with this position.