



Phil Shaw

Transition lead

The Planning Context

Background

- Worked in DM in Oxon since 1987
- Managed WODC and wider team 1995 until 2024
- Retired but brought back to provide additional capacity and assist in developing emerging policies, Grampian conditions and sewage capacity
- I will look at Strategic and WODC specific context, the problems and limitations that the planning system faces in dealing with sewage and our suggested/emerging solutions and especially our proposed WODC Grampian Condition

Strategic Context



- Planners working with others in the Catchment Partnerships (Evenlode and Windrush)
- Habitat banks incl water management
- Partnerships targeted at catchment management, eg specific projects (such as silting at Blenheim) and natural flood risk management (Milton u Wychwood)
- Strategic Flood Risk Assessment and Water Cycle study for eLP
- Site allocation Flood Risk Assessments
- Actively working with key stakeholders (esp TW) to see where planning can assist (not solve) pollution problems

Policy Context- NPPF and Adopted Plan policy EH7

- EH7
- Sequential risk based approach
- Managing and reducing impacts
- Flood resilience
- SUDS
- SSFRA in zone 2 and 3
- Keep floodplain open
- Safeguard land for flood management



Policy EH8



- Minimise pollution
- “proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources in terms of their quantity, quality and important ecological features”

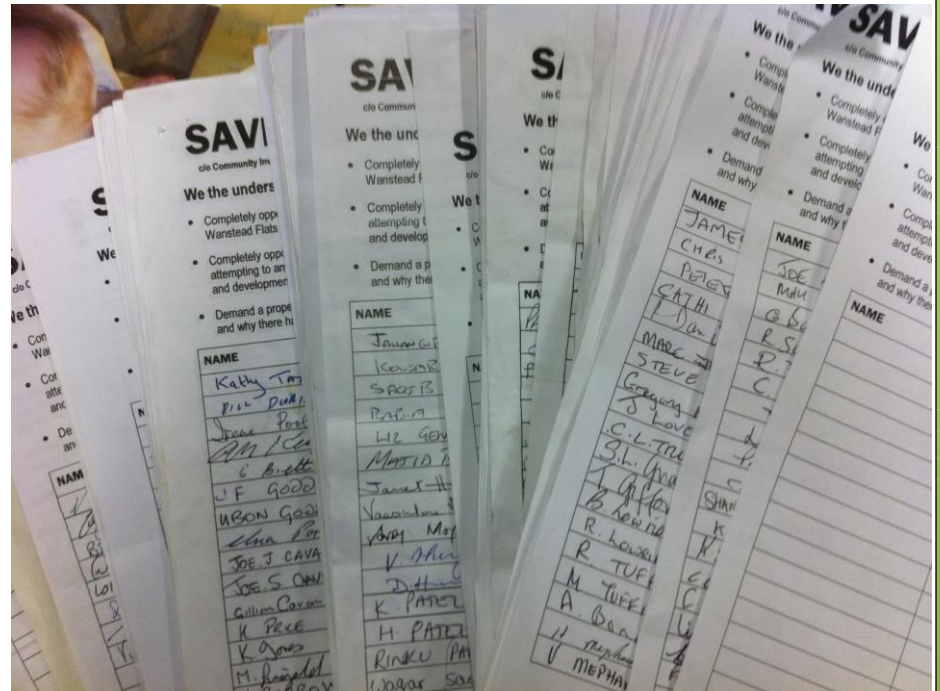
Emerging Local Plan

- Policy is proposed to be strengthened
- Infrastructure first approach
- See especially policies:
 - CP4 – Delivering infrastructure in step with new developments
 - CP5 Sustainable water management

We are pushing the envelope so would welcome support - as Plan is currently out for consultation and we will need to persuade the Govt LPI of the need for greater controls than planning system has previously been able to offer

Planning Applications

- FRA in z 2 and 3 and for larger sites
- TW,EA,LLFA, Engineers and Building Control are consulted
- Advice is followed when it seeks to protect the water environment
- No problems then?





Problems

- Historic development not covered
- Legacy of pollutants in our rivers/on sites
- Much is outside Planning control (agriculture)
- New PD rights - so exempt from control
- NPPF effectively states **not a planning matter**
- Lag between collection and spending of £
- Lack of transparency from TW as to spend
- Inconsistent advice between and sometimes from same consultees

What we have done

- Very high political focus - as a champion for our local rivers
- Chatham house meetings with TW over 4 years
- Looked at regulations, algorithms and why our population data did not match theirs, why infrastructure late/not pre-emptive etc
- TW were an issue but EA and Ofwat complicit in the problems
- Ofwat focussed on Bills and not investment and EA not enforcing
- TW legal resistance to admitting there was a problem
- We tried but lost planning appeals with us using our evidence so decided needed to change TW/EA minds by using our evidence to get **them** to object and encouraging public to do the same
- Asked for and secured River Condition Statements from EA
- Increased use of Grampian conditions including WODC imposed ones
- Created a Grampian database and published it to get market pressure to deliver infrastructure as promised
- Appointed a Grampian champion to coordinate our database/evidence and assist us in challenging consultee responses
- The WODC imposed/adapted Grampians were checked as legal
- Status of interim private works pending capacity was checked as legal
- Pre commencement vs pre occupation triggers checked for legality
- Asked TW to publish “measles map” and citizen science using open source TW data to drive change/help shape the political agenda
- Annual water day events bringing together key players

What we have done (continued)

- **Policy**

- Created policies that will require infrastructure before occupation and identify use of Grampian conditions to ensure that it is delivered
- Strategic level IDP
- Key sites IDP
- IDP to be iterative to adapt to changing evidence
- Much closer liaison with TW on delivery schedules: AMP

- **Development Management**

- VCL- requires info to be tabled about water and sewage capacity – drives early engagement rather than 21 days application consultation
- Got TW to agree there **was** an issue i.e. we **could** assume regulation was NOT working (NPPF)
- Agreed a Matrix of TW potential responses to planning applications
- Case officer reconciles inconsistent data received before rec is made
- Grampian Conditis and all associated info passed to G.Ch. for database/publication; so as to aid future understanding
- Member engagement before sign off of any “money not infrastructure” details put to us for clearance of a Grampian condition

The latest(WODC) GC wording

"The development shall not be commenced until confirmation has been provided to the LPA as to how the (foul water /network) upgrades required to accommodate the additional sewerage flows from the development will be delivered and made operational. **No above ground development** shall be undertaken until such time as progress against the agreed infrastructure delivery timetable has been provided to the LPA. **No property shall be occupied** in advance of written confirmation from the LPA that the said infrastructure improvements have been delivered as anticipated.

Where it has been **first demonstrated to the satisfaction of the LPA** that delivery of improvements before occupation is not possible, a development and infrastructure phasing plan shall be tabled for agreement with the Local Planning Authority in consultation with Thames Water so as to allow development to be occupied in advance of all the works being completed. Where a development and infrastructure phasing plan is agreed by the LPA , **no occupation shall take place** other than in accordance with the agreed development and infrastructure phasing plan and **only following written confirmation from the LPA that the said works are in place and operational"**

REASON: The local sewerage network does not have capacity to accommodate all flows from the development. While acceptable in principle, development needs to be aligned with upgrades to the sewerage network to avoid adverse impacts on the environment."

NOTE

Developers, purchasing solicitors and potential occupiers are advised that the above condition may prevent occupation of the house(s) until such time as works to improve the sewage network/sewage works have been put in place. It is thus essential that you contact the LPA prior to committing to selling, purchasing or occupying any dwelling to satisfy yourself that the said measures are in place so as to enable the house to be lawfully occupied

Conclusion

- New national Regulation rather than more burden on local planning system is required - as much pollution is historic or lies outside planning control
- We have however levered our way into greater control over new developments
- We are looking to push further vis 'Infrastructure first' and more onerous Grampians
- We will need support to land this with Government- so please write in to current LP consultation to support the approach

Any questions

