

WINCHESTER LOCAL PLAN PART 2

EXAMINATION IN PUBLIC

MATTERS 12 & 13

WICKHAM

FURTHER REPRESENTATIONS ON BEHALF OF

BEWLEY HOMES LTD

JUNE 2016

Winchester District Local Plan Part 2, submitted/Policies WK1 and WK2

Consultation Response on behalf of Bewley Homes

Introduction

1. These outline representations on behalf of Bewley Homes (Bewley) are presented in response to the issues set out by the Inspector for the Examination in Public (EIP) into the soundness of the Winchester Local Plan Part 2 (LPP2), and are submitted further to an earlier consultation response submitted to Winchester City Council (WCC) on behalf of Bewley, regarding the unsound scope of WK1, etc.
2. In respect of the settlement of Wickham, the Examination Inspector has raised the following: (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?

Drainage Infrastructure

3. Southern Water (SW) the statutory undertaker, has produced a Stage 1 S98 Water Industry Act (S98) report. This identifies the physical infrastructure required to connect development proposed by Bewley. In addition SW also contributed to the Wickham Flood Investigation Report (WFIR).
4. Southern Water's consultation response to LPP2 Policy WK1 (Response 355108250- Winchester City Council-Citizen Space) addresses the principle of the policy by stating: *"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."*

Policy WK1

5. Bryan Jezeph of Bryan Jezeph Consultancy (BJC) made deputation, in respect of Policy WK1, to the Local Plan Committee on 29 February 2016, in objection to the moratorium on development that is presented by policy WK1. Following discussions between Mr. Jezeph and Samuel

Underwood, Stakeholder Engagement Manager for Southern Water, BJC wrote to Southern Water on 3 March 2016 to correct WCC's misstatement that Southern Water specifically endorsed a moratorium. A reply email of Tim Peacock-Bjurstrom (of Southern Water) dated 17 March 2016 further sets out Southern Water's response to Policy WK1 and properly distinguishes *subsisting* network issues (for which Southern Water are responsible) and issues arising from *new development* (for which the developer will be responsible): "*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.*"

6. Following Southern Water's reply of 17 March 2016, by e-mail to WCC dated 21 March 2016, BJC explained Southern Water's already clear view that new development would be considered appropriate in drainage terms where it is not detrimental, just as development falling within a S98 proposal, would be. WCC's reply dated 13 April 2016 is misconceived and, not least, fails to acknowledge the meaningful distinction made by Southern Water between the undertaker's maintenance works (in relation to existing drainage issues) and works to be carried out by a developer to connect new development.
7. Bewley was also represented at a meeting with Southern Water (and Croudace) on 19 May 2016. At the meeting Southern Water confirmed:
 - i. In terms of site allocation WK2 (and WK3) the S98 sewerage works that are identified would provide the required physical infrastructure to connect this new developments, without any detrimental impact on the existing network;
 - ii. An updated DAP would be issued later in 2016, considering Southern Water's own maintenance works tasks to be delivered pursuant to their current Asset Management Plan (AMP6 2015-2020) or AMP7 (2020-2025);
 - iii. Such works are not for developers to undertake;
 - iv. There is no reason for S98 works to have changed, not least given that Wickham is a small closed catchment;
 - v. Developers could approach OFWAT regarding their sewer requisitions;

- vi. The view of OFWAT having been sought, their reply of 6 June 2016 confirms the position of Southern Water (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).*”
8. Further to Bewley’s consultation response, it is considered that Policy WK1 inappropriately constrains development that is acceptable. Internal inconsistency within the supplementary text to Policy WK1 only serves to confuse its intended direction.
9. Consistently with paragraph 4.8.16, it is acknowledged that there have been problems of foul drainage within Wickham but these have been very localised (especially at the lower end of Bridge Street) and arise predominantly or only in conditions of heavy rainfall and saturated ground conditions. The Wickham Flood Investigation Report supports this. The emphasis under paragraph 4.8.17 states that the approach to development within some areas may assist in alleviating flood risk, but improperly asserts that *new development* may reduce the causes and/or impacts of flooding. This is to fundamentally confuse the alleviation of existing flooding and flood risk issues, with new development. New development must only mitigate its own impacts and not existing ones.
10. It is the above fundamental confusion that appears to give rise to the moratorium on major development, including within allocated sites. This is wholly contrary to national guidance that purposely advises that the flood risk impacts of particular development be considered in terms of that development’s overall acceptability in flood risk terms, and is unsound. There is no support for the further assertion that: “*...significant new development would increase the risk of flooding to existing properties.*” Contrarily, there exists an evidence base showing this not to be the case.
11. The reference made to a multi-agency drainage strategy (paragraph 4.8.18), and the resistance of any further major development echoes the fundamental error that underlies the moratorium. It invites unjustifiable and significant delay (to later in the plan period) to development that is in fact acceptable in drainage and flood risk terms i.e. no adverse effects in surface water or foul

water drainage). The inevitability of significant delay is apparent from the lack of progress with the updated DAP and its intended implementation.

12. Paragraph 4.8.20 refers to infrastructure improvements or financial contributions being required to accommodate development (it must follow, relating to that development etc., pursuant to the advice given in the NPPF) by way of planning conditions or obligations. The correct application of conditions and obligations, in application to proposed development, is supported, enabling the prompt delivery of residential development.
13. Policy WK1 should therefore be amended as to allow for development that has no adverse effect in surface water and foul water terms, rather than inappropriately imposes a moratorium, not least one that defers to the mechanism of the multi-agency strategy.
14. Bewley Homes is aware of amended wording of Policy WK1 proposed by Croudace (reproducing the wording of Consultation Draft LLP2, with the exception of the last sentence, and which reflects advice received by OFWAT), 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.”

15. Bewley is supportive of the approach advocated by this amended wording and proposes to address the Inspector on specific alternative wording at the Examination.

16. In advising that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk, the NPPF advises that development may properly come forward where it does not increase flood risk. Accordingly, flood risk management policies should reflect a risk-based approach to locating development "*...to avoid where possible flood risk to people and property and manage and residual risk...*" (paragraph 100). Insofar then as the NPPF calls for the consideration of comparatively greater sustainable locations, WK1 wrongly prevents development that is acceptable in drainage and flood risk terms. Consistently, NPPF paragraph 103 advises on the acceptability of development where positively supported by a site-specific flood risk assessment, indicating that flood risk is not increased. A site-specific risk assessment may suitably demonstrate that development can be located in an area of lowest flood risk and be appropriately flood resilient and resistant, allowing for the provision of safe access and escape routes where required, and further, show that any residual risk can be safely managed, prioritising the use of a sustainable drainage system. Planning Practice Guidance is consistent with these objectives. Development that is shown as flood risk-neutral and provides for the adequate separation of surface water drainage from the sewerage system and its management so as not to affect flood risk is evidently achievable within site allocation WK2.

Policy WK2

17. Bewley does not propose to raise wide ranging matters going to the principle of policy WK2 but will address the Examination Inspector on specific provision requirements, ambiguous language and various descriptions articulated in Policy WK2, which Bewley consider to be flawed, superfluous and/or wrongly directed. Consequently, not insignificant amendment is invited.
18. Raising particular objection is the apparent specific requirement for "*Allotments*" to be provided (see "Environmental" section) as an identified form of "*substantial on-site open space provision*". Any *requirement* per se for the provision of allotments is inappropriately prescriptive in terms of serving any wider policy objective for the provision of on-site open space. Any such requirement also proves inhibitive of development in circumstances where the necessity for on-site open space provision, where it exists at all, will invariably be site- and development- specific. Within this context, there can be no *in principle* policy *requirement* for the provision of allotments, as Policy WK2 wrongly advocates.