

SCG010



**Statement of Common Ground  
Between Southern Water and  
Fareham Borough Council on  
Wastewater Infrastructure**

**September 2021**

## 1.0 Introduction

### What is a Statement of Common Ground?

- 1.1 The Duty to Cooperate, introduced by the Planning and Compulsory Purchase Act 2004 (amended by Section 33A of the Localism Act) places a legal duty on local planning authorities, county councils in England and other prescribed bodies to engage constructively, actively and on an ongoing basis to develop development plan documents, including activities that prepare the way or support the activities of preparing development plan documents, in respect of strategic matters.
- 1.2 The Duty to Cooperate specifically relates to 'strategic matters' which are defined as follows:
  - Sustainable development or use of land that has or would have a significant impact on at least two planning areas, (in particular) in connection with sustainable development or use of land for or in connection with strategic infrastructure which has or would have a significant impact on at least two planning areas, and
  - Sustainable development or use of land in a two-tier area if the development or use— (i) is a county matter, or (ii) has or would have a significant impact on a county matter.
- 1.3 Paragraph 20 of the National Planning Policy Framework (NPPF) also outlines strategic priorities that a local plan should have strategic policies to cover. They include:
  - Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 1.4 In accordance with the NPPF (paragraph 24), public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out above. This forms part of each local planning authority's evidence for their respective emerging Local Plans.
- 1.5 This SoCG has been prepared in accordance with paragraph 27 of the NPPF and the section of the Planning Practice Guidance on Maintaining Effective Cooperation. It has also followed guidance prepared by the Planning Advisory Service (PAS) on this matter. It has been prepared in parallel with the Publication Local Plan (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>1</sup>). This Plan, upon adoption, will supersede the existing Fareham Local Plan Parts 1 and 2. The new Local Plan will cover the period to 2037 and sets out the vision, objectives and policies to guide future development in the Borough over the plan period.

### What does this document include?

- 1.6 Section 2 outlines the strategic geography of the Borough.
- 1.7 Section 3 sets out the Regulation 18 and 19 Representations received from Southern Water which forms the background to this SoCG.
- 1.8 Section 4 sets out the cross-boundary matters which need to be considered by this SoCG. It then sets out where agreements have been reached on issues.

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2012/767/regulation/19/made>

## What parties are involved with this Statement of Common Ground?

- 1.9 This Statement of Common Ground (SoCG) is an agreed statement between Southern Water (SW) and Fareham Borough Council (FBC) as the Local Planning Authority in relation to issues and matters associated with wastewater infrastructure and new development in the emerging Fareham Local Plan.

## **2.0 Background**

- 2.1 Southern Water is the statutory wastewater undertaker in the Borough. The large Wastewater Treatment Works (WwTWs) at Peel Common serves the whole of the Fareham catchment. Southern Water is not a statutory consultee for planning applications however, the Council routinely consult Southern Water on applications in the Borough.
- 2.2 Paragraph 20 of the NPPF states that 'Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: b) infrastructure for wastewater'.
- 2.3 The emerging Fareham Local Plan 2037 contains Strategic Policy TIN4 Infrastructure Delivery. To support this policy the Council in collaboration with infrastructure and service providers, has produced an Infrastructure Delivery Plan (IDP). The IDP provides an assessment and details the key infrastructure improvements required to support the delivery of housing, employment and retail for the Borough to 2037. It is a 'live' document and will be kept under review. Such key infrastructure improvements include the reinforcement, maintenance and upsizing of the local sewer network.
- 2.4 Southern Water has begun the process of updating their Drainage and Wastewater Management Plans (DWMP). The work being undertaken provides an opportunity to improve water quality and drainage systems, reduce flooding and pollution for the benefit of customers, communities, businesses, the environment and wildlife. Fareham Borough Council has attended various meetings associated with the DWMP feeding in and providing comments to the various stages of the DWMP development such as: The identification of Planning Objectives, Baseline Risk and Vulnerability Assessment (BRAVA) and recently at the time of the SoCG, the high-level options to tackle the identified issues associated with certain WwTWs such as at Peel Common.

## **Regulation 18 and 19 Representations from Southern Water**

- 2.5 Southern Water responded to both of the Regulation 19 consultations, the most recent conducted in June to July 2021. Southern Water's responses include recommendations and comments on the key issues relating to specific allocations and the wastewater network that will need to be addressed and considered for the Fareham Local Plan 2037. Recommendations were made against certain identified draft housing and employment allocations that the policies should include wording such as:
- Provide future access to the existing underground wastewater infrastructure for maintenance and upsizing purposes;
  - Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.
- 2.6 The above wording was deemed necessary by Southern Water for a number of proposed development allocations because it has limited powers to prevent

connections to the sewerage network, even when capacity is limited. Therefore, it was deemed important that development is coordinated with the provision of necessary infrastructure.

- 2.7 In addition, Southern Water raised the issue regarding the Solent Wader and Brent Goose (SWBG) designation at their Wastewater Treatment Works (WwTW) at Peel Common. The SWBG designation covers treatment work operational areas and as such, these particular operational areas should be excluded from the designation on the basis they are not suitable to support Brent Geese and Solent Wader species.

### **3.0 Strategic Matters**

#### **Wastewater Infrastructure Capacity.**

- 3.1 Southern Water has raised concerns about the ability of parts the sewer network to accommodate the development being proposed for some of the emerging housing allocations in the Fareham Local Plan 2037. Concerns are raised regarding the following proposed allocations.

- FTC1 - Palmerston Car Park
- FTC3: Fareham Station East
- FTC4: Fareham Station West
- HA1: North and South of Greenaway Lane
- HA4: Downend Road East
- HA7: Warsash Maritime Academy
- HA13: Hunts Pond Road
- HA15: Beacon Bottom West
- HA17: 69 Botley Road
- HA44: Assheton Court
- HA49: Menin House
- HA50: Land North of Henry Cort Drive
- HA56 Land West of Downend Road
- BL1: Broad Location for Housing Growth

Southern Water also raised concerns on other sites that were proposed for allocation in the 2017 Draft Plan. However, these sites are no longer being progressed by the Council.

- 3.2 At some sites there is limited capacity to accommodate additional foul flow therefore, reinforcement work will be necessary. This work will only be commenced by Southern Water once a site gains planning consent (to avoid unnecessary investment) and often requires a maximum of 24 months to complete any necessary works. Should a developer request a connection to the sewer network at one of these limited sites, it could lead to an increased risk of sewer flooding unless network reinforcement is undertaken in advance of occupation. In order to not cause delays in bringing development forward as well as not overloading the sewer system, Southern Water request that specific policy wording is included within the allocations listed above as well as further mention of this issue within Policy D4 in the Fareham Local Plan 2037.
- 3.3 National Planning Practice Guidance under paragraph 20 which deals with water supply, wastewater and water quality states “local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage system have been carried out”. Policy D4 in the Fareham Local Plan 2037 requires collaborative work between the Council

and its partners to ensure 'development proposals provide for the satisfactory supply and disposal of surface and wastewater' Furthermore, paragraph 11.53 under Policy D4 Water Quality and Resources in the emerging Fareham Local Plan 2037 states "*Development proposals should demonstrate that there is adequate wastewater infrastructure and water supply capacity to serve the development or adequate provision can be made available. Applicants should provide a connection at the nearest point of adequate capacity in the sewerage network in collaboration with Southern Water.*"

- 3.4 Southern Water have raised a further point in the development of this SoCG relating to the precise wording of para 11.53, and the need to provide connections to new development. It is understood that since OFWAT's new approach to water and wastewater connections charging, there is no longer a need for developers to pay the added cost of connecting at the nearest point of capacity.
- 3.5 Acknowledging that there are identified potential capacity issues associated with some of the Local Plan development allocations, the Council's Development Management team will be made aware of the allocations in question to ensure that liaison with Southern Water is undertaken on applications, where considered necessary. Given the ongoing wastewater management planning work undertaken by Southern Water and the fact that development proposals must be reviewed against the development plan as a whole<sup>2</sup>, the Council considers this approach to be appropriate rather than a specific reference in an allocation policy which reduces flexibility. The Council's view is that the policies contained within the Plan ensure that applicants promoting new development proposals engage with Southern Water to adequately plan to satisfactorily accommodate new development from a wastewater (and water supply) perspective. It is also considered important that planning conditions should be employed where necessary to help ensure the delivery of network reinforcement aligns with the occupation of the development. However, it is recognised that since Southern Water are not statutory consultees on planning applications, clarifying this within the Local Plan would be beneficial.
- 3.6 In addition, the Council has been engaged in Southern Water's DWMP process and will continue to do so to feed into the future planning for the wastewater network across the Borough and strive to make sure that the Local Plan can where possible, help facilitate the aims and objectives of the DWMP process.

### **Solent Wader and Brent Goose (SWBG) Strategy Designations**

- 3.7 The Solent is internationally important for its wildlife with over 90,000 waders and wildfowl and 10 to 30 per cent of the global population of Brent Geese. This has led to the creation of four Special Protection Areas (SPAs). Many birds overwinter in the Solent, feeding and resting before migrating large distances north for the summer. The SPAs rely on a network of terrestrial sites which are not internationally designated themselves but are important for maintaining the integrity and functionality of the designated SPAs. These are termed 'network sites'.
- 3.8 The network sites are used by wading bird species and Brent Geese to roost and forage outside of the SPA boundaries. These sites will contribute to the achievement of the SPA's conservation objectives and are therefore protected as a result. Each site is classified separately depending on its importance within the network and how they support the designated SPA network. The classifications are based upon survey data and are determined by the SWBG Steering Group which includes Natural

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<sup>2</sup> Section 38(6) of the PCPA 2004

England, RSPB, and Hampshire and Isle of Wight Wildlife Trust. The SWBG Steering group are also responsible for producing and maintaining the mapping of the network.

- 3.9 Southern Water have identified two particular SWBG network sites (site F11 and F12) which overlay operational areas notably aeration lanes, UV treatment area and temporary contractor and treatment trial area and car park at the WwTWs at Peel Common. These particular areas are considered erroneous because it is considered not possible for SWBG species to use them. Southern Water therefore consider that the boundary designations be amended to reflect more accurately what is on the ground.
- 3.10 The Council is not responsible for the designation of this sites so is unable to amend the boundary of network sites. However, the Council will raise the with the SWBG Steering Group and if required, put Southern Water in contact with relevant parties to discuss the issue further. It is hoped that through these means the issue will be satisfactorily resolved.

#### **4.0 Areas of Further Work**

- 4.1 The Council recognises the requests of Southern Water to reconsider the wording within paragraph 11.53, in light of OFWAT's new approach to water and wastewater connections charging and provide clarity within Policy D4 of the Plan to ensure the delivery of any required sewer network reinforcements align with the occupation of new development.

#### **5.0 Areas of Agreement**

- 5.1 Southern Water and Fareham Borough Council as Local Planning Authority have reached common ground on aspects of the emerging local plan relating to Wastewater infrastructure.
- 5.2 In respect of the Local Plan's effect on the capacity of the sewer network and wastewater treatment, agreement has been reached on:
- Notwithstanding section 4.0 Areas of Further Work, Paragraph 11.53 (Policy D4 Water Quality and Resources) of the Fareham Local Plan 2037 is sufficient in conjunction with Policy TIN4 (Infrastructure Delivery) to ensure that developers engage and collaborate with Southern Water to ensure there is adequate wastewater infrastructure and water supply capacity to serve development or adequate provision can be made available. Recognising that planning conditions could also be employed to help facilitate this.
  - The Council's Development Management team will be made aware of the Southern Water's comments on the following allocations so that consultation on future planning applications will be sought:
    - FTC1 - Palmerston Car Park
    - FTC3: Fareham Station East
    - FTC4: Fareham Station West
    - HA1: North and South of Greenaway Lane
    - HA4: Downend Road East
    - HA7: Warsash Maritime Academy
    - HA13: Hunts Pond Road

- HA15: Beacon Bottom West
- HA17: 69 Botley Road
- HA44: Assheton Court
- HA49: Menin House
- HA50: Land North of Henry Cort Drive
- HA56 Land West of Downend Road
- BL1: Broad Location for Housing Growth

- The Council will continue to engage with Southern Water's Drainage Waste Management Plan programme.

5.3 In respect of the issue around SWBG network designations at Peel Common WwTWs, agreement has been reached on:

- The Council will raise the potential mapping/designation issue covering the operational areas of the WwTWs with the SWBG Steering Group but Southern Water agree that this is not the Council's designation to alter;
- If required, put Southern Water in contact with the relevant parties of the SWBG Steering Group to continue liaison and discussion on the matter.

5.4 Southern Water will continue to support and work collaboratively with Fareham Borough Council to ensure satisfactory outcomes for both Fareham Borough Council and Southern Water are achieved.

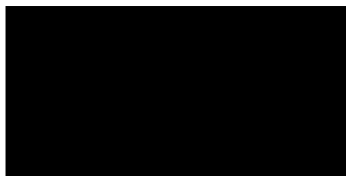
## 6.0 Signatories

6.1 Both parties agree that this statement is an accurate representation of matters discussed and issues agreed upon.

6.2 It is agreed that these discussions will inform the Fareham Local Plan 2037 and both parties will continue to work collaboratively in order to meet the duty to cooperate.

6.3 For Southern Water the Statement of Common Ground is signed by Sandra Norval, Growth Planning Lead. For Fareham Borough Council, the Statement of Common Ground is signed by Richard Jolley, Director of Planning and Regeneration.

Signed:



Signed:



Name: Sandra Norval

Name: Richard Jolley

Position: Growth Planning Lead

Position: Director of Planning and Regeneration

***Southern Water***

***Fareham Borough Council***

Date: 16/09/2021

Date: 16/09/2021