

Monday, 23 October 2017

**What I would like to ask the Council, is this, Inspector:**

The Direct Connection to the Southern Outfall Sewer at Rye Meads is a Super Sewer and is required ahead of development at Panshanger; it dwarfs the WGC Southern Outfall Sewer, the Mimram Trunk Sewer and the North Western Outfall Sewer, because this is a Large Undertaking and one I do not believe can be covered by a Section 106 as the sewer is 11 miles long and has cross boundary issues, can the council here, please answer me the following eleven questions;

1. If they have carried out a "Community Infrastructure Levy Charging Schedule in respect of this Super Sewer pursuant to the CIL Regulations 2010?

The Council has not yet adopted a CIL charging schedule. It carried out a consultation on a Preliminary Draft Charging Schedule in 2017 and intends to proceed to a Draft Charging Schedule later this year, depending on the progress of the Local Plan towards adoption. It has not been identified at this stage by Thames Water that a new "Super Sewer" is required.

Notwithstanding this, any network reinforcement required as a result of new development would be delivered by Thames Water and funded through the Infrastructure Charge levied on new development which is a set rate paid by developers for each new property connected to the network. Any sewerage network reinforcement works required to support new development would not be funded through the CIL or financial contributions secured through Section 106 contributions. Thames Water encourage developers to enter early discussions with them prior to the submission of any planning application to identify the proposed programme of delivery and build out rates of development in order to assess whether network reinforcement works are required and if so when they need to be delivered.

2. Where appropriate if they have carried out a Section 106 pursuant to the Town and Country Planning Act 1990 as the Super Sewer is Necessary Supporting Infrastructure?

Section 106 agreements are entered into at the time of granting permission for particular planning applications. No planning applications for Local Plan development north-east or east of Welwyn Garden City are yet close to determination. Please also see the response to Question 1.

3. Can the council please explain the CIL in regards to the Super Sewer and the Section 106 and any Unilateral Undertakings and which developers and infrastructure partners are involved in the sharing the cost for this super sewer?

Please see the response to Question 1. Can the Local Planning Authority please tell me which developers (if any) have they entered in to any agreements concerning Panshanger Aerodrome, to the making of payments in the form of planning contributions towards this super sewer?

Please see the response to Question 1.

4. That this council Acknowledges that this Super Sewer is Legitimate Supporting Infrastructure and this council will ensure funding is in place for this Super Sewer and its direct connection at the rye meads waste water treatment works before any development is undertaken?

We are not in a position to acknowledge this at present. Once the further work currently being carried out by Thames Water on the cumulative demands of Local Plan development on the existing Mimram Trunk Sewer to Rye Meads sewage treatment works has reported, we can then consider the timing of providing that infrastructure if it is required. The funding for delivering any infrastructure would be covered by Thames Water's Infrastructure Charge as set out in Question 1.

5. Bearing in mind what the 2009 WCS stated "It is important therefore that the Core Strategy (now Local Plan) makes proper provision for such uncertainty & does not place undue reliance on critical elements of Infrastructure whose funding is unknown"; does the council here Accurately know where the funding is coming from for this Super Sewer?

Please see the response to Question 1.

6. I Advised both Thames Water and the Local Planning Authority (WHBC) not to update the TW Position Statement or the new Draft IDP until after the Government Inspector had made his decision on the local plan; however my advice was not heeded by either; The Updating of these two documents went in to process by them and is Grossly Incompetent as both TW and the LPA have not fully acknowledged the foundation of the August 4<sup>th</sup> 2017 Infrastructure meeting with myself but have eluded to the text regarding the foundational reasons for updating the new TW Position Statement & the LPA Draft IDP which was based on the exposure of a 1990's Report which was (allegedly) carried over in to the 2009 WCS and the information which was transferred from the 1990's document in to the 2009 WCS, also carried over in to the LPA's Draft IDP's for the last 5 years but the Information that was discussed was never written in the 2009 WCS and therefore neither the TW Position Statement or the Draft IDP can be updated based on Evidence which does not exist; the evidence that they do acknowledge is network upgrades in some places, but this was in addition to and not in place of, but which now would appear as the main point when in fact it was a sub point. The information that was allegedly carried over in to the 2009 WCS was this; "Thames Water have identified that to deliver growth around Welwyn Garden City & Hatfield it is likely that the following Infrastructure & Infrastructure Upgrades will be required; A New Direct Connection to the Southern Outfall Sewer at Rye Meads". The

justification to not to build the Super Sewer based on this false information being carried over is now not justified as the carry over information did not exist and this Fact now justifies the need (as previously pointed out by myself) for this Super Sewer to be built ahead of development at Panshanger.

Can WHBC Planning Dept. please explain their reasons for going ahead with the October 2017 TW Position Statement when there was no evidence to support it in regards to the false information from a 1990's report?

The Council acknowledges that the information given in paragraph 13.34 of the Infrastructure Delivery Plan (IDP), May 2017 edition, is likely to be in need of updating in the light of results of work currently being carried out by Thames Water. To that extent the origin of the requirement in the first bullet point of paragraph 13.34 of the IDP is not critical. As previously stated, a new direct trunk sewer connection to Rye Meads is not currently a preferred option of Thames Water.

7. Can WHBC Planning Dept. please explain their reasons for going ahead with the proposed new Draft IDP (post May 2017) when there was no evidence to support it in regards to the false information from a 1990's report?

The IDP is a living document which has been and will be updated on a regular basis to reflect the latest version of the Council's Local Plan growth strategy and the latest advice from infrastructure providers. It is inevitable that parts of the IDP text may be superseded during this process. What matters is that the IDP reflects the most up to date information available on infrastructure requirements. A further update is expected to be published later this year, once the scope of proposed modifications to the submitted Local Plan is known.

8. Can WHBC Planning please tell me, Why was the information from the August 4<sup>th</sup> 2017 Infrastructure meeting Omitted from the Minutes of the meeting (which was sent to me) in regards to the updating of both the new TW Position Statement & the Draft IDP, based on False Information being carried over from a 1990's document when it has been proven the information allegedly carried over did not exist?

The Council and Thames Water are satisfied that the minutes of the 4<sup>th</sup> August 2017 meeting with Mr McBride are a fair reflection of the matters discussed at that meeting. As previously discussed, the existence or otherwise of a particular 1990s document which may or may not have given rise to the statement at the first bullet point of paragraph 13.34 of the May 2017 IDP is no longer relevant, as updated advice has been received from Thames Water since the publication of that version of the IDP, and a further update is expected shortly in respect of the capacity of the Mimram Trunk Sewer.

9. In March 2015 TW contacted WHBC Planning;

We have concerns regarding Wastewater Services in relation to this site. Specifically, the wastewater network capacity in this area is unlikely to be able to support the demand anticipated from this development. At the time planning permission is sought for development at this site we are also highly likely to request an appropriately worded planning condition to ensure the recommendations of the strategy are implemented ahead of occupation of the development:

- 1) **WGC4 East of Welwyn Garden City (Panshanger Aerodrome);**
- 2) **WGC5 Land To South East of Welwyn Garden City (Birchall Garden Suburb);**
- 3) 4) WGr1 Woolmer Green;
- 4) Former Shredded Wheat Factory Complex Welwyn;
- 5) Hat 2 West Hatfield;
- 6) Hat 1/13 North West Hatfield
- 7) WGC1 South of Welwyn Garden City (Creswick);
- 8) BPLH30 Land to the rear of Builders Arms Public House
- 9) BPLH44 1-12 Green Close AL97ST
- 10) BrP14 East of Golf Club Road
- 11) BrP7 South of Hawkshead Road
- 12) Cuf1 The Meadway
- 13) Cuf6 East of Northaw Road East
- 14) HE23 Factory adjacent Wellfield Road depot
- 15) HW12 Land North of Toms Field
- 16) Land at Bericot Way
- 17) LHe1 North of Hawkshead Road
- 18) QEII Howlands Welwyn Garden City
- 19) Ratcliff Tail Lift Site
- 20) Town Centre North
- 21) WeG1 Welham Manor House
- 22) WeG10 Dixons Hill Road
- 23) WeG2 Welham Manor Grounds
- 24) WeG3 South of Welham Manor
- 25) WeG4b Marshmoor
- 26) WeG6 Skimpans Farm

10. Can WHBC Planning please tell me, knowing already that these 26 areas already Specifically, had a wastewater network capacity in these areas that was likely to be unable to support the demand anticipated from these developments, what justification does WHBC Planning have in not building this Super Sewer, bearing in mind two of the largest areas are back to back at Panshanger & BGS?

In addition to sites 1) and 2) in the list at 10. above, it is believed that sites nos. 3), 4), 16), 19) and 20) will connect into the Mimram Trunk Sewer (or other new trunk sewer) to Rye Meads sewage treatment works.

Developments at the other listed sites will connect into different trunk sewers to different sewage works. The comment from Thames Water detailed under 10 above is a standard comment indicating that some improvements to the sewerage network will be required to accommodate

the development in question. There is no necessary implication that the construction of a new "Super Sewer" to Rye Meads will be required as one of these infrastructure improvements. The position will be clearer once the current work being undertaken by Thames Water on cumulative effects of development on the capacity of the Mimram Trunk Sewer has reported.

Thank You Inspector.