



FDC/Matter 9

**FENLAND LOCAL PLAN CORE STRATEGY
DEVELOPMENT PLAN DOCUMENT**

EXAMINATION

FENLAND DISTRICT COUNCIL STATEMENT

MATTER 9: MARCH (POLICY CS9)

Fenland District Council
Fenland Hall
County Road
March
PE15 8NQ

November 2013

www.fenland.gov.uk

Fenland District Council Statement in response to Matter 9: March (Policy CS9)

ISSUES and QUESTIONS

Q1. (a) Is it clear how the Sustainability Appraisal influenced the final plan, particularly in relation to the changes between the Preferred Options / Proposed Submission Core Strategy (February 2013) that included the North East March allocation and the subsequent distribution of housing to the South West March (broad location for growth) and windfall development?

Yes it is.

The Proposed Submission Addendum consultation document (CD012) sets out on pages 5 and 6 a very clear rationale as to why the N E March allocation should not be included in the final plan submitted for examination.

As can be seen from that document, it is quite evident that Sustainability Appraisal informed and influenced the decision.

(b) Are the locations for new urban extensions the most reasonable having regard to all the alternatives?

Yes they are.

The submitted Sustainability Appraisal reports confirm that a number of sites around March are genuine candidates for growth (i.e. there are a number of 'reasonable' sites from which the Council can choose from) but also confirms that the sites allocated for growth are the most reasonable having regard to all the alternatives.

The removal of the N E March allocation, therefore, is both sound from a Sustainability Appraisal perspective and sound from a democratic choice perspective (this site being the only site in the whole district which generated significant local opposition).

To re-introduce the N E March site would be contrary to the Sustainability Appraisal evidence and contrary to the principle of Localism. The plan is 'sound' without its inclusion.

Q2. In order to accommodate the proposed growth, improvements are required to several Wastewater Treatment Works (WwTW) to ensure that the increased waste water flow discharged does not impact on the current quality of the receiving watercourses, their associated ecological sites and also to ensure that the watercourses can still meet with legislative requirements. The Stage 2a assessments have shown that improvements beyond conventionally applied technology are required in March WwTW (due to water quality). What implications, if any, is this likely to have on the deliverability and phasing of planned growth in March?

The Water Cycle Study (Stage 2a Report) – September 2011 does indicate that the Waste Water Treatment Works (WWTW) at March will require improvements beyond conventionally applied technology due to the impact on water quality.

However as part of the consultation process for the emerging Core Strategy Anglian Water Services (AWS), the operator of the March WWTW, has not raised any objections to the proposed growth areas in March in relation to the capacity of the WWTW. In its submitted response in September 2012 and reiterated in April 2013, AWS identified the March WWTW as

attracting an Amber response in its RAG assessment (Red, Amber, Green) in relation to the impact of growth on the WWTW.

Any necessary improvements to the WWTW which may be required to cope with additional flows are not identified by AWS as being a potential obstacle to the deliverability and phasing of growth in March. AWS does though acknowledge that any upgrade of the works may involve seeking consent from the Environment Agency (EA) for an increase in discharge of final effluent.

In its own response to the Core Strategy consultation, the EA has not raised any objections to growth in March in relation to the capacity of the WWTW, or that consent for any increase in final effluent should be problematic. The Council is therefore confident that any improvements that may be required to the March WWTW to enable growth should be forthcoming from both AWS and the EA.

The Council is aware though of a legal dispute, understood to be currently with solicitors, between AWS and the Middle Level Commissioners (MLC) about discharges from all WWTW into the Middle Level system. This is highlighted with regard to the Whittlesey WWTW (please see Question 1 and the FDC's response of Matter 11) but is relevant for the March WWTW.

In brief, the dispute revolves around the principle of discharging treated water into a receiving water course without any recompense to cover the costs incurred of maintaining the water course, with particular regards to flood risk and navigation.

The MLC has advised by letter (1st July 2013) that its river system is not a gravity flowing system but one that is artificial and relies on pump drainage. It therefore needs to be managed and requires regular maintenance and the evacuation of excessive flows by pumping. This process incurs costs and the MLC considers that, as with other developers who discharge into its system, AWS should bear a fair share of the costs incurred proportionate to its operations.

AWS has acknowledged that the MLC has raised concerns with regard to discharges from all WWTW within into its river system and is aware that the MLC has advised that it may prohibit and/or restrict future discharges.

The outcome of the legal dispute between the MLC and AWS is awaited, but FDC has been made aware by the MLC of a legal agreement signed in October 2011 by a number of parties in South Cambridgeshire relating to the Uttons Drove WWTW discharging into the Swavesey Main Drain, an EA main river. Agreement was reached between the developers, South Cambridgeshire District Council, AWS, and the Environment Agency (EA) about future discharges from the WWTW into the EA's river system.

This agreement provides an example of a model for a way forward to ensure that new development(s) provide the necessary infrastructure to make them acceptable in planning terms. It is also a practical example of how a similar issue to the dispute between the AWS and MLC has been resolved elsewhere in a nearby authority in the recent past.

The Council is therefore confident that, whilst there may currently be a legal dispute about the discharge from all WWTW into the MLC system, any improvements required to the March WWTW beyond conventionally applied technology (and setting aside the legal dispute) will in principle be made by AWS. FDC is also confident that a mechanism exists in the form of an established formal agreement that could overcome current legal difficulties to enable a developer, AWS, the MLC and possibly FDC to ensure that development is delivered in a timely manner.

As a result FDC considers that the deliverability and timing of growth in March should not be jeopardised by the capacity of the March WWTW and that existing processes to overcome any obstacles are available which would allow development to proceed.

As stated above this issue is similar to the situation in Whittlesey which is addressed in Question 1 of Matter 11.