



FDC/Matter 11

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

EXAMINATION

FENLAND DISTRICT COUNCIL STATEMENT

MATTER 11: WHITTLESEY (POLICY CS11)

Fenland District Council
Fenland Hall
County Road
March
PE15 8NQ

November 2013

www.fenland.gov.uk

Fenland District Council Statement in response to Matter 11: Whittlesey (Policy CS11)

ISSUES and QUESTIONS

Q1. 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 Whittlesey (due to physical constraints in the Middle Level drainage area). What implication, if any, is this likely to have on the deliverability and phasing of planned growth in Whittlesey?

The Water Cycle Study (Stage 2a Report) – September 2011 does indicate that the Waste Water Treatment Works (WWTW) at Whittlesey will require improvements beyond conventionally applied technology due to physical constraints in the Middle Level drainage area.

However, since then discussions with both Anglian Water Services (AWS) and the Middle Level Commissioners (MLC) have revealed that the issue at Whittlesey WWTW is more complex.

In short there is currently a legal dispute between AWS and the MLC about 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. It is understood that the matter is currently with solicitors.

As part of the consultation process for the emerging Core Strategy, AWS the operator of the Whittlesey WWTW, has not raised any objections to the proposed growth areas in Whittlesey in relation to the capacity of the WWTW. In its submitted response in September 2012 and reiterated in April 2013, AWS identified the Whittlesey WWTW as attracting an Amber response in its RAG assessment (Red, Amber, Green) 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 Whittlesey.

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 Whittlesey regarding the capacity of the WWTW, or that consent for any increase in final effluent should be problematic.

More recently AWS advised (by email) in May 2013 that the Whittlesey WWTW is currently working within the existing consent parameters, however it is close to the limit of capacity. AWS will monitor the works and take the necessary action to increase capacity at the appropriate time (i.e. when there is certainty development is going to take place and foul connections are needed). AWS also acknowledged the MLC had raised concerns with regard to discharges from the Whittlesey WWTW as well as other discharges into its drainage area and had indicated it may prohibit and/or restrict future discharges.

The MLC advised in 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.

Whilst the outcome of the legal dispute between the MLC and AWS is awaited, 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 at 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 the Whittlesey WWTW, any improvements required to the WWTW beyond conventional limits (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 Whittlesey should not be jeopardised by the capacity of the Whittlesey WWTW and that existing processes are available which would allow development to proceed.

This issue is similar to the situation in March which is addressed in Question 2 of Matter 9.