

Warrington Borough Council
Warrington Local Plan 2021-2038

Examination in Public

**Written Statement of United Utilities Water Limited relating to
Matter 6e**

July 2022

Reference Number: 0403

Introduction

Warrington Borough Council (WBC) has submitted the Warrington Local Plan 2021 to 2038 for examination. In accordance with national planning policy (specifically paragraph 16c of the National Planning Policy Framework), as well as, the status of United Utilities Water Limited (UUW) as a statutory consultee in the preparation of development plans, UUW has worked closely with the local planning authority on the preparation of a new local plan. This statement is provided in response to the Matters, Issues and Questions identified by the Inspectors. WBC and UUW have engaged in meaningful discussion regarding the practical issues associated with most appropriately managing the impact of the development proposed during the plan period on water and wastewater infrastructure. Whilst noting that it is not necessary to repeat our previous consultation responses, we considered it appropriate to provide a written statement to highlight certain matters for the consideration of the Inspectors given the questions which have been posed. The remainder of this statement is set out under the following headings.

- 1) United Utilities Water Limited.
- 2) The Determination of Investment Decisions by Water and Sewerage Companies.
- 3) Sewer Flood Risk - Matter 6e – Main Development Area: Thelwall Heys.
- 4) Potential Additional Allocations

Each is addressed in turn.

1) United Utilities Water Limited

UUW is the statutory water and wastewater undertaker for the North West of England and its area of operation includes Warrington. As the statutory water and wastewater undertaker, UUW has a duty to ensure that an area is "*effectually drained*" and that there is "*an efficient and economical system of water supply*". This includes working with planning authorities on planning policies and developers on detailed proposals to most appropriately manage the impact on infrastructure, our customers and the environment.

2) The Determination of Investment Decisions by Water and Sewerage Companies

Every five years Ofwat, the economic regulator of the water industry, carries out a review of the prices that the appointed water and sewerage companies can charge their customers. This includes taking decisions on the services customers receive and the investment companies need to carry out. Ofwat determine these charges on the basis of best value for customers. The most recent price review by Ofwat occurred in 2019. The next review is scheduled for 2024.

The preparation of local authority development plans provides strategic co-ordination between development planning and infrastructure planning. Water and sewerage companies are a statutory consultee through the development plan process. The planning process provides details on where growth may occur and is one factor which helps to inform the five yearly investment submission to Ofwat and infrastructure investment forecasts. The degree of confidence is improved where our investment decisions are based on up to date development plans and planning permissions as opposed to unforeseen, unallocated sites. This is often not the case due to a lack of up to date development plans and a disconnect between the timing for the preparation of development plans and the timing for the five yearly price review investment submissions to Ofwat. It is also important to note that development plans cover 15 year periods. In contrast, the price reviews of water and sewerage companies cover 5 year periods.

What draining “*effectually*” means in a given context is fact-dependent, having regard to UUW’s broader strategic aims, financing, and the investment planning process, which are matters that are subject to significant oversight and regulation. Ultimately, investment decisions have to be prioritised in each investment period. It is important to explain that the duty to drain effectually does not require all areas to have no risk of flooding.

Notwithstanding the fact that water and sewerage companies are not a statutory consultee on the determination of applications for planning permission, the planning process offers an opportunity for water and sewerage undertakers to minimise the impact of growth on the well-being of the community and the environment. The planning system affords a water and sewerage company an opportunity to work with a local planning authority and a developer to minimise the impact of development and to understand the detail of the development.

3) Sewer Flood Risk - Matter 6e – Main Development Area: Thelwall Heys

In the full spirit of the plan making process and in accordance with national policy, UUW has engaged in meaningful discussion with WBC regarding development. UUW has advised WBC that a fuller understanding of the impact on water and wastewater infrastructure can only be understood once more details are known, such as, the detail of a layout, the timescales for development, the approach to surface water management and the chosen points of connection for water and wastewater infrastructure. Once more information is available, which unfortunately is often only made available at the planning application stage, we are better able to understand and advise on the constraints of our infrastructure and the impact.

When considering flood risk and the location of development, we believe it is important to highlight that the preparation of the local plan should give sufficient emphasis to all forms of flood risk. This is clear from National Planning Practice Guidance (NPPG) which defines flood risk as (underlined sections identify our emphasis):

What is “flood risk”?

For the purposes of applying the National Planning Policy Framework, “flood risk” is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

Paragraph: 002 Reference ID: 7-002-20140306

Having regard to the above definition, Paragraph 161 of the National Planning Policy Framework is clear that:

All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

Up to date sewer flood risk modelling data is now available to advise on sewer flood risk constraints. The risk of flooding from sewers was referenced in our response to the latest consultation on the Proposed Submission Version of the Local Plan in respect of the allocation at Thelwall Heys (Matter 6e).

Matter 6e – Main Development Area: Thelwall Heys

We note that the Inspectors have raised the following questions in respect of Thelwall Heys:

*9. Are there potential adverse effects not covered above, if so, what are they and how would they be addressed and mitigated? **N.B. The Council’s response should address key issues raised in representations***

12. Are any main modifications necessary for soundness?

In response to these questions and as noted above, our latest consultation response to the Proposed Submission Version Local Plan (September 2021) identified flood risk from the public sewer affecting Thelwell Heys (Policy MD5).

UUW highlighted that existing public sewers pass through this site, which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that is predicted to occur in certain storm events at parts of the site. In the aforementioned consultation response, UUW stated that this flood risk will need to be carefully considered in the masterplanning and detailed design of the site. UUW recommended the need for additional wording under the heading of ‘*Utilities and Environmental Protection*’ within the site-specific policy for this site.

The risk of sewer flooding at Thelwall Heys appears to be largely consistent with the fluvial flood risk in the north western corner of the site and therefore only affects a small part of the allocation. That being said, it is a matter which needs to be considered and reflected in the design of the site including in the detail of the drainage design.

Subsequent to the Proposed Submission consultation, WBC has published 'Site Profiles for Local Plan Site Allocations' (June 2022). The Site Profile for Thelwell Heys does not include reference to the sewers and the modelled sewer flood risk within the summary of key constraints for this allocation. We request that the Site Profile and the policy wording for this allocation is amended to ensure that this flood risk is fully considered and accommodated in any development proposals for the site.

With regards to the policy wording for this site, we recommended text in our response to the Proposed Submission Local Plan. Our latest recommended wording, which updates that in our previous consultation response to the Proposed Submission version, is set out below:

Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding and will need to be carefully considered in the design and masterplanning process for any development at this site. The applicant will be required to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of flooding. Applicants should consider site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Applicants must demonstrate that the proposed development would be safe and not lead to increased flood risk elsewhere e.g. through careful masterplanning of the site. Applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk.

We also recommend that the Site Profile for this site is updated so that the sewers and the associated flood risk are identified in the 'Summary of key constraints and relevant designations'. We recommend the following wording:

Existing public sewers and an associated risk of sewer flooding must be avoided alongside no increase in flood risk.

4) Potential Additional Allocations

Although not directly relevant to this matter, we wish to note that if a decision is taken to allocate additional development sites, UUW would wish to review the additional sites to advise on any constraints that may be material. This would include, amongst other things, the risk of flooding from any existing public sewers within and near to any development site. This is important to note as we have not considered the risk of flooding from the public sewer in respect of the omission sites that have been discounted by WBC.