Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

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Consultation Point Flood Risk and Sustainable Water Management (View)
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Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?
Policy NEH1 – Local Flood Risk Management Policy

Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

- Justified . Yes
- Effective . No
- Positively prepared . Yes
- Consistent with National Policy . Yes

Legal and Procedural requirements

Do you consider the Local Plan has been prepared in line with legal procedural requirements? Yes

Duty to Cooperate

Do you consider the Local Plan to be compliant with the Duty to Cooperate? Yes

Reasons
Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

Policy NEH1 as drafted states development proposals should comply with the requirements of Guidance and Standards for surface water produced by Northamptonshire County Council as Lead Local Flood Authority. However, the policy does not make reference to relevant documents produced by Anglian Water as sewerage undertaker for the Kettering District Administrative area or the forthcoming water sector wide guidance relating to the adopting of SuDS.

The Design and Construction Guidance (DCG) to be introduced from April 2020 sets out water companies approach to the adoption of SuDS features which meet the legal definition of a sewer. As such if an application were to be made to Anglian Water to adopt a SuDS feature which met the legal definition and the required standards outlined in the DCG we would be expected to adopt it.

We would ask that developers are also asked that they follow the requirements of Anglian Water’s Surface Water Policy, SuDS Adoption Handbook and Design and Construction Guidance or successor documents.

This is important where SuDs features are to be adopted by Anglian Water or it is proposed that surface water is to be discharged to a public sewerage network. We would only accept a surface water connection in exceptional circumstances where it can be demonstrated that there are no alternatives.

In addition the expectation is that all development proposals irrespective of scale will incorporate Sustainable Drainage Systems wherever possible as set out in the North Northamptonshire Core Strategy. The supporting text in the Kettering Part 2 Local Plan should be amended for consistency with the requirements of Policy 5 of the adopted Core Strategy.

Proposed Actions/Changes

Please explain what changes or actions are needed to make the Local Plan legally compliant.

It is therefore suggested that Policy NEH1 be amended as follows:

‘Have regard to the Flood Toolkit and Local Standards and Guidance for Surface Water Drainage in Northamptonshire, together with the guidance produced by Anglian Water and the water sector (and successor documents), and where appropriate, demonstrate how the proposal has had regard to these documents’

We would also ask that the supporting text of Policy NEH1 be amended as follows:

‘8.9 New developments must address surface water drainage requirements as set out in the Northamptonshire Flood Toolkit and local guidance. Development proposals should also address Anglian Water’s surface water policy/guidance and water sector wide guidance relating to the adoption of SuDS (or any successor documents) where SuDS features are proposed to be adopted by Anglian Water. The Council will continue to explore alternative sources of funding to undertake feasibility studies in order to improve our understanding of local flooding issues and identify viable solutions that would alleviate future flooding or minimize the impact. It is acknowledged that the guidance only applies to major schemes however in light of the findings of the Kettering SWMP, stricter requirements on surface water drainage proposals for sites located in areas draining into the CDCs will be required for all development schemes. The particular measures used to reduce flood risk off-site will depend on site specific circumstances and be proportionate to the scale of development. Sites should look to discharge their surface water to as sustainable location as possible. Planning applications involving discharging surface water to foul sewers are unlikely to be supported as a surface water
connection will only be accepted by Anglian Water in exceptional circumstances where it can be demonstrated that there are no alternatives.’

Attendance at the examination hearings

If you are seeking to change the Plan, would you like to attend the examination hearings?  Yes

If Yes, please outline the reason(s) why, below.

Anglian Water would wish to reserve the right to appear to represent our interest as a sewerage undertaking.

Notifications

Do you wish to be notified?  
. When the Plan is submitted for independent examination?
. When the Inspector’s Report is published?
. When the document is adopted?