Kettering Site Specific Part 2 Local Plan (SSP2) (2011-2031)

Examination Hearings

October 2020

STATEMENT OF COMMON GROUND

Between

Kettering Borough Council
and
Anglian Water (Respondent Id 47)
1. Introduction

1.1. This Statement of Common Ground (SoCG) has been prepared by Kettering Borough Council (KBC) and Anglian Water, hereafter referred to as ‘the parties’. The SoCG details the areas on which the parties agree and disagree in relation to the Kettering Site Specific Part 2 Local Plan.

1.2. This SoCG reflects the current position agreed by both parties with regard to representations made by Anglian Water through the Regulation 19 consultation and the proposed modifications put forward by the Council to address the issues raised.

1.3. This statement is made without prejudice to other matters of detail that the parties may wish to raise during the examination.

2. Background

2.1. This SoCG relates to the representations made by Anglian Water to the Kettering Borough Site Specific Part 2 Local Plan – Publication Plan consultation.

2.2. The Council has consulted with Anglian Water throughout the preparation of the SSP2, this has included consultations on the formal stages in plan preparation and consultations on the site assessment work. This engagement has been used to inform and develop the policies and proposals in the plan.

2.3. Comments from Anglian Water have been used to draft the various versions of the plan to ensure that it delivers infrastructure requirements and protects existing infrastructure and assets.

2.4. Through the Publication Plan consultation Anglian Water provided further representations seeking changes to the plan. To address these representations the Council has recommended a number of main modifications to the plan which have been submitted alongside the Publication Plan for consideration by the Inspector.

3. Matters on which the parties agree

3.1. The following table sets out Anglian Water’s comments on policies KET3, KET4, KET5, KET7, Flood Risk and Sustainable Water Management, KET1, KET8, KET10, BLA5, BLA6, ROT3 and GED3 received through the Publication Plan consultation and the main modifications agreed between the parties which address these comments. Both parties agree that these modifications are necessary.
<table>
<thead>
<tr>
<th>Policy No</th>
<th>Anglian Water Comment</th>
<th>Modification agreed by both parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>KET3</td>
<td>Comment Id 78 - As noted in the Council's assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required. <strong>Proposed Action/ Changes:</strong> Add new paragraph to supporting text to read: There is an existing sewer and water main in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewer and water main should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.</td>
<td>MM10 Add new paragraph after paragraph 9.4 as follows: There is an existing sewer and water main in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewer and water main should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.</td>
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<tr>
<td>KET4</td>
<td>Comment Id 79 - As noted in the Council's assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required. <strong>Proposed Action/ Changes:</strong></td>
<td>MM12 Add new paragraph after paragraph 9.13 as follows: There is an existing sewer and water main in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and</td>
</tr>
</tbody>
</table>
Add new paragraph to supporting text to read: There is an existing sewer and water main in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewer and water main should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

**KET4** - Insert:

k. Safeguard the provision of suitable access for the maintenance of foul drainage infrastructure.

**KET5**

Comment Id 80 - As noted in the Council’s assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required.

**Proposed Action/ Changes:**

Add new paragraph to supporting text to read: There is an existing sewer in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take this into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

**MM13**

Add new paragraph after paragraph 9.15 as follows:

There is an existing sewer in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take this into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

Insert:

h. Safeguard the provision of suitable access for the maintenance of foul drainage infrastructure.
| **KET5**: ‘the safeguarding of suitable access for the maintenance of foul drainage infrastructure' | **MM15**
| Comment Id 81 - As noted in the Council’s assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required. **Proposed Action/ Changes:**
Add new paragraph to supporting text to read: There is an existing water main in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take this into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

| **Proposed Action/ Changes:**
Add new criterion to Policy KET7: ‘the safeguarding of suitable access for the maintenance of water supply infrastructure.' |

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| **Flood Risk and Sustainable Water Management** | **MM7**
| Comment Id 82 - Policy NEH1 does not refer to relevant documents produced by Anglian relating to the adopting of SuDS. 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 Action/ Changes:**
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, where appropriate, demonstrate how the proposal has had regard to these documents.' |

| | Add new paragraph after paragraph 9.18 as follows:
There is an existing water main in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take this into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

| Insert:
**h. Safeguard the provision of suitable access for the maintenance of water supply infrastructure.** |
<table>
<thead>
<tr>
<th>KET1</th>
<th>Comment Id 83 - As noted in the Council’s assessment of housing sites there is existing Anglian Water infrastructure</th>
<th>MM8</th>
<th>Add new paragraph after paragraph 9.4 as follows:</th>
</tr>
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<tr>
<td></td>
<td>Anglian Water and the water sector (and successor documents), and where appropriate, demonstrate how the proposal has regard to these documents’ We would also ask that the supporting text of Policy NEH1 be amended as follows: ‘8.9 Major 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 minimise 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.’</td>
<td>Amend paragraph 8.9 as follows: Major 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 and guidance relating to the adoption of SuDS 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 minimise 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.’</td>
<td></td>
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</table>
within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required.

**Proposed Actions/ Changes:**
Add new paragraph to supporting text to read: There is an existing sewer in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

**KET1**

- Safeguard the provision of suitable access for the maintenance of foul drainage infrastructure.

**KET8**

- Comment Id 84 – As noted in the Council’s assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required.

**Proposed Actions/ Changes:**
Add new paragraph to supporting text to read: There is an existing sewer in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

**MM17**
Add new paragraph after paragraph 9.21 as follows:

There is an existing sewer in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take this into account. The existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance or repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.
<table>
<thead>
<tr>
<th>Comment</th>
<th>Text</th>
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</thead>
</table>
| **KET10** | Comment Id 85 - As noted in the Council's assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required. **Proposed Actions/Changes:**

Add new paragraph to supporting text to read: There are existing foul and surface water sewers in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

KET10 – insert

q. Safeguard the provision of suitable access for the maintenance of foul and surface water drainage infrastructure. |

| **MM24** | Add new paragraph after paragraph 10.12 as follows:

There is an existing foul sewer in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take this into |
| BLA6 | Comment Id 87 - As noted in the Council's assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required. **Proposed Actions/ Changes:** |
| MM26 | Add new paragraph after paragraph 10.14 as follows: There are existing foul sewers in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required. **Proposed Actions/ Changes:** |

As noted in the Council's assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required. **Proposed Actions/ Changes:**

There are existing foul sewers in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.
Add new paragraph to supporting text to read: There are existing foul sewer in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water's existing assets may be required.

Add new criterion to Policy BLA6: 'the safeguarding of suitable access for the maintenance of foul water drainage infrastructure.'

Comment Id 89 - As noted in the Council's assessment of housing sites there is existing Anglian Water infrastructure within the boundary of the site. We would ask that this be considered as part of the site design and layout to ensure that we can continue to serve our customers. In the event that there is a need to divert our existing assets a formal application to Anglian Water would be required.

**Proposed Actions/ Changes:**
Add new paragraph to supporting text to read: There are existing foul sewer and water main in Anglian Water's ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required. Add new criterion to Policy ROT3: 'the safeguarding of suitable access for the maintenance of foul water drainage infrastructure.'

Add new paragraph after paragraph 12.14 as follows:
There are existing foul sewer and water mains in Anglian Water’s ownership within the boundary of the site and the site layout should be designed to take these into account. This existing infrastructure is protected by easements and should not be built over or located in private gardens where access for maintenance and repair could be restricted. The existing sewers should be located in highways or public open space. If this is not possible a formal application to divert Anglian Water’s existing assets may be required.

ROT3 – insert:
1. Safeguard the provision of suitable access for the maintenance of foul water drainage infrastructure.
| GED3 | Comment Id 98 - None.  
**Proposed Actions/ Changes:** 
None. | None. |
4. Matters on which the parties disagree

4.1. There was one comment made by Anglian Water which proposed changes which the Council did not consider necessary, this comment and the Council's response is provided in the table below. This is the only area of disagreement between the parties.
<table>
<thead>
<tr>
<th>Policy No</th>
<th>Anglian Water Comment</th>
<th>Councils Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEH2</td>
<td>Comment Id 111 - Anglian Water is supportive of the objectives of Policy NE2 but has some comments about how it would apply particularly for any major development proposals relating to water and water recycling infrastructure. Reference is made to major development providing a net gain of green infrastructure in the district through on-site provision or off-site contributions to green infrastructure. In our earlier comments we had raised concerns that Policy ENV01 (now NEH 2) does not define how this requirement would be applied to development proposals within the Borough. As currently drafted it appears to apply all major developments including those proposed by Anglian Water as an infrastructure provider as defined in the Development Management Procedure Order 2015. It remains unclear what form contributions would take particularly for developments that would not be expected to have a recreational impact. <strong>Proposed Action/Changes:</strong> It is therefore proposed that Policy NEH2 be amended as follows: 'a. Major development will deliver on-site and/or make off-site contributions to achieve a net gain of green infrastructure in accordance with the Aims and Objectives set out in the Kettering Green Infrastructure updated documents). Any contributions would be proportionate to scale and nature of proposals including whether there is a need for recreational access.'</td>
<td>These issues would be considered at planning application stage, it is not considered necessary for this wording to be added to the policy.</td>
</tr>
</tbody>
</table>
5. Conclusion

5.1. This statement sets out the areas of agreement between the parties in relation to policies KET3, KET4, KET5, KET7, Flood Risk and Sustainable Water Management, KET1, KET8, KET10, BLA5, BLA6, ROT3 and GED3 and one area of disagreement in relation to Policy NEH2.

5.2. The content of this document has been agreed between the parties.

Signed on behalf of Kettering Borough Council

Simon Richardson, Development Manager – Planning Policy
Date: 16/09/20

Signed on behalf of Anglian Water

Stewart Patience, Spatial Planning Manager
Date: 16/09/20