

# TRIPARTITE MEMORANDUM OF UNDERSTANDING

BETWEEN

STEVENAGE BOROUGH COUNCIL (SBC)

AND

THAMES WATER (TW)

AND

ANGLIAN WATER (AW)

IN RESPECT OF

THE STEVENAGE BOROUGH LOCAL PLAN, SUBMISSION VERSION, OCTOBER 2016

## Summary

- SBC, TW and AW agree that Stevenage Borough's draft Local Plan is sound having worked together to find solutions for the issues that TW and AW identified as being unsound.
- 1.1 We, the undersigned, set out in this memorandum those matters of joint interest to both the Authority and the Consultees as they are dealt with in the Stevenage Borough Local Plan (SBLP), Submission Version, June 2016 (hereinafter 'the plan') in accordance with paragraph 181 of the National Planning Policy Framework, March 2012 (hereinafter 'the NPPF').
- 1.2 This statement identifies, specifically, those areas upon which SBC, TW and AW agree (marked in **bold**) and those areas of disagreement (marked in text boxes). Where the Authority and Consultees are in disagreement, resolutions are identified, where possible.
- 1.3 All matters where SBC, TW and AW perceive that there is a joint or strategic interest are detailed in this memorandum. Matters which are not considered to be of joint or strategic interest are excluded. It may, therefore, be taken as read that the Authority and Consultees are content on those other matters.

## Strategic Issues

- 2.1 Paragraph 178 of the NPPF states that "*public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities...*"
- 2.2 Paragraph 156 states that the strategic priorities are strategic policies to deliver:
- *"the homes and jobs needed in the area;*
  - *the provision of retail, leisure and other commercial development;*

- *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk...and the provision of minerals and energy (including heat);*
- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.”*

2.3 SBC, TW and AW have corresponded constructively over the past few months.

2.4 The Authority and the Consultees **agree** that, in their view, the plan has been prepared in accordance with:

- the Duty to Co-operate;
- legal requirements;
- procedural requirements; and
- that it is sound.

2.5 In respect of the latter, the Authority and the Consultees **agree** that the plan has been:

- positively prepared;
- is justified;
- is effective; and
- is consistent with national policy.

### **Preamble**

3.1 Stevenage is tightly bounded by its administrative boundary and Green Belt. Its neighbour, to the north, east and south Stevenage is North Herts District Council. To the east, Stevenage is neighboured by East Herts District Council.

3.2 The SBLP sets out the allocation and delivery proposals for homes, jobs and infrastructure in Stevenage.

3.3 TW is responsible for wastewater disposal in the significant majority of the Stevenage urban area. AW is responsible for wastewater disposal in the north-west of the Stevenage Borough administrative area.

3.4 Part of the area of north-west Stevenage lies within AW’s operational area and drains to the Ashbrook Water Recycling Centre located in AW’s area of responsibility. There are existing foul sewers within AW’s operation area which drain to Rye Meads STW. The wastewater flows from these sewers are pumped over the operational border into the TW network via the Coreys Mill pumping station.

3.5 Wastewater from the majority Stevenage discharges to Rye Meads STW which is located within the Lee Valley SPA (a European designation)<sup>1</sup>. It discharges via a

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<sup>1</sup> Subject to ongoing arrangements for the disposal of wastewater in AW operational area continuing to be pumped over the operational border into the TW network area.

central pipeline that runs through the centre of the Borough, via Bragbury End, at the south of Stevenage, towards Rye Meads STW some 15km south east.

- 3.6 TW is a private utility company responsible for the public water supply and waste water treatment in large parts of the wider Greater London area. TW is responsible for a range of water management infrastructure projects and is regulated under the Water Industry Act 1991.
- 3.7 AW is a private utility company that operates in the East of England and is regulated under the Water Industry Act 1991. AW provides drainage and sewerage to an area reaching from the Humber to the River Thames.
- 3.8 SBC, TW & AW have worked constructively, actively and on an ongoing basis to maximise the effectiveness of the plan and its supporting evidence contained within it.

### **Detailed Memorandum**

The detailed memorandum now follows, broadly in the order set out in paragraph 156 of the NPPF:

#### **Waste water**

- 4.1 SBC and TW **agree** that concerns regarding wastewater infrastructure capability are not envisaged for individual development sites. Consideration will need to be given to the cumulative effect of development however, this is likely to be mitigated by the likely phasing of development over the plan period.
- 4.2 SBC, TW and AW **agree** that developers need to demonstrate that developments will not result in adverse impacts on the sewerage network. SBC confirm the submission of potential rewording of Policy SP5, rather than Policy IT3, to the Planning Inspector to be considered as part of the examination process. This is in addition to the suggested wording that TW have put forward in their representations. Potential rewording is set out in Appendix A.
- 4.3 SBC and TW **agree** that due to the level of information contained within the SBLP regarding housing allocation HO1/10 Land at Eliot Road, TW are unable to make a detailed assessment of the impact of the proposed housing provision will have on the wastewater infrastructure at this time. However, there is no objection to the principle of the allocation.
- 4.4 SBC, TW and AW **agree** that housing allocation HO1/11 Land west of North Road (Rugby Club) is within the AW operational area. Therefore TW do not pursue concerns about this site. There is in any event no objection in principle to the allocation of the site subject to further more detailed drainage assessment at application stage.
- 4.5 SBC and TW **agree** that the current wastewater network capacity in the north east of the Borough is highly unlikely to be able to support the demand anticipated from development at housing allocation HO1/18 The Oval neighbourhood centre. Development at HO1/18 will therefore require the installation of significant drainage

infrastructure to ensure sufficient capacity is brought forward prior to development of the site. There is no objection to the principle of the allocation.

4.5.1 SBC and TW **agree** that the developer will be required to provide a detailed drainage strategy specifying what new infrastructure is required, and where, when and how it will be delivered.

4.6 SBC and TW **agree** that the current wastewater network capacity in the west of the Borough is highly unlikely to be able to support the demand anticipated from development at housing allocation HO2 Stevenage West. However, this is because there is no wastewater infrastructure in this area to support the proposed housing development. Development at HO2 will require the installation of significant drainage infrastructure to ensure sufficient capacity is brought forward prior to development of the site.

4.6.1 SBC and TW **agree** that the developer will be required to provide a detailed drainage strategy specifying what new infrastructure is required, and where, when and how it will be delivered. There is no objection to the principle of the allocation.

4.7 HO3 site allocation straddles both the AW and TW operational areas. The majority of the site lies in the AW operational area. SBC, TW and AW **agree** that the current wastewater network capacity in the north of the Borough is highly unlikely to be able to support the demand anticipated from development at housing allocation HO3 North of Stevenage. However, this is because there is no wastewater infrastructure in this area to support the proposed housing development. Development at HO3 will require the installation of significant drainage infrastructure to ensure sufficient capacity is brought forward prior to development of the site.

4.7.1 SBC and TW **agree** that the developer will be required to provide a detailed drainage strategy specifying what new infrastructure is required, and where, when and how it will be delivered. There is no objection to the principle of the allocation

4.8 SBC and TW **agree** that the current wastewater network capacity in the south of the Borough is highly unlikely to be able to support the demand anticipated from development at housing allocation HO4 South East of Stevenage. However, this is because there is no wastewater infrastructure in this area to support the proposed housing development. Development at HO4 will require the installation of significant drainage infrastructure to ensure sufficient capacity is brought forward prior to development of the site.

4.8.1 SBC and TW **agree** that the developer will be required to provide a detailed drainage strategy specifying what new infrastructure is required, and where, when and how it will be delivered. There is no objection to the principle of the allocation.

4.9 SBC and AW **agree** that the Infrastructure Table, in chapter 15, under 'waste water' should refer to both TW and AW under the Lead delivery agency. To clarify, this table will be removed from the Plan and will only feature in the Infrastructure Delivery Plan (IDP). The reference to both water companies will feature in the IDP.

- 4.10 SBC, TW and AW **agree** that discussions will continue to take place outside of the SBLP process between TW and AW regarding ongoing detailed arrangements for the disposal of wastewater in Stevenage.

### **Flood Risk**

- 5.1 SBC and TW **agree** that the use of SuDS in all Flood Zones should apply to all major development as set out in Paragraph 079 of the Planning Practice Guidance, and not just development sites over 1 hectare. SBC confirm the submission of potential rewording to the Planning Inspector to be considered as part of the examination process.
- 5.2 SBC and AW **agree** that Policy FP2 does not require additional wording to include reference to foul drainage and the potential need for foul sewerage improvements where appropriate. This requirement is covered in Policy SP5 Infrastructure.
- 5.3 SBC and AW **agree** that Policy FP3 does not require additional wording to include reference to foul drainage and the potential need for foul sewerage improvements where appropriate. This requirement is covered in Policy SP5 Infrastructure.



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Richard Hill

Thames Water Utilities Ltd – Head of  
Property

Signed on behalf of

**Thames Water**



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Stewart Patience

Planning Liaison Manager

Signed on behalf of

**Anglian Water**



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Cllr John Gardner

Deputy Leader of the Council

Signed on behalf of

**Stevenage Borough Council**

## Appendix A

### Policy IT3 Supporting text proposed by Thames Water

“The Council will seek to ensure that there is adequate surface water, foul drainage and sewage treatment capacity to serve all new developments. Where development will impact wastewater infrastructure developers will be required to demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. Where there is a capacity problem and no improvements are programmed by the statutory undertaker, the Council will require the developer to fund appropriate improvements which must be completed prior to occupation of the development. Such improvements will be secured by condition.”

In order to ensure that the drainage requirements of development proposals are understood and that any upgrade requirements are identified, all developers are encouraged to contact Thames Water Developer Services or Anglian Water’s Growth and Planning Services in advance of the submission of applications.”

### Policy SP5 Additional wording proposed by SBC

“This plan will ensure the infrastructure required to support its targets and proposals is provided. New development will be required to contribute fairly towards the demands it creates. We will:

- a. Permit permission where new development
  - i. Makes reasonable on-site provision, off-site provision or contributions towards (but not limited to) the following where relevant:  
affordable housing; biodiversity; childcare and youth facilities; community facilities; community safety and crime prevention; cultural facilities; cycling and walking; education; flood prevention measures; Gypsy and Traveller accommodation; health care facilities; leisure facilities; open spaces; passenger transport; play areas; policing; public realm enhancement; road and rail transport; sheltered housing; skills and lifelong learning; sports; supported housing; travel plans; utilities and waste and recycling.
  - ii. Includes measures to mitigate against any adverse impact on amenity or the local environment where this is appropriate and necessary; or
  - iii. Meets any specific requirements relating to individual sites or schemes set out elsewhere in this plan;
- b. Use developer contributions, legal agreements, levies or other relevant mechanisms to make sure that the criteria in (a) are met;
- c. Deliver a major reconfiguration of the road network in and around the Town Centre to catalyse regeneration;
- d. Work with Hertfordshire County Council, Highways England, the NHS, the Local Enterprise Partnership and other relevant service providers and agencies to deliver

additional highway, education and health capacity as well as new and enhanced open spaces and community and leisure facilities;

e. Co-operate with other utilities and service providers to ensure that appropriate capacity is available to serve new development; and

*f. Ensure new development does not have an adverse effect on the Lee Valley Special Protection Area. New development post 2026 will only be permitted if the required capacity is available at Rye Meads STW, including any associated sewer connections.*

Policy FP2 Amended wording proposed by SBC

“Planning permission for all major development sites ~~that are one hectare or more~~ will be granted where...”