



Loxwood Parish Council

Clerk: Mrs Jane Bromley

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Mr A Frost
Head of Planning Services
Chichester District Council
By email: afrost@chichester.gov.uk

6th February 2023

Dear Mr Frost

Loxwood PC (LPC) has resolved to request that Ofwat investigates apparent failures by Southern Water (SW) in its legal duties under Sections 94 and 106 of Water Act 1991. A report on the circumstances relating to two recent developments at Nursery Green (Antler Homes LX/15/02012/OUT) and Thakeham Homes (LX/20/0148/FUL)) have been submitted to Ofwat with the following conclusions:

- Loxwood PC fears that the temporary agreement for sewage disposal for the Thakeham Homes site will establish a precedent for a multiplicity of sewage holding tanks serving future development sites in the village, thus resurrecting an archaic and environmentally unacceptable method of sewage disposal
- Loxwood PC is concerned that Southern Water (SW) may be attempting to subvert the legal right for developers to make sewer connections under Section 106 and is failing in its duty under Section 94 by not committing to upgrading a sewerage system that it readily accepts is seriously overloaded

The Planning Department at Chichester DC(CDC) is well aware of the situation regarding the original proposals for foul sewerage to serve the above two sites and the temporary arrangements that have been agreed in order to avoid the connection of these systems to the public sewer in Guildford Road, Loxwood. It is acknowledged that in the case of Nursery Green complex legislation changes arose following planning approval, necessitating a temporary solution. However, this temporary solution (automatic control system) was conceptually flawed and as a result the foul sewer system has not yet been adopted by SW. Whilst LPC does not wish to see additional connections to a sewer network that is acknowledged by SW to be hydraulically overloaded, it is dismayed by the recent approval of a “temporary” sewage holding tank at the Thakeham site, in lieu of a connection to the public sewer. The tank has to be emptied by tanker every day now that housing is fully occupied. This tank is actually classified as a cesspool, which certainly would not have been approved had it been shown on the original planning application. Consequently, we now have xxxxxx method of sewage disposal, which has not been subject to due consideration and objections under the planning process.

[Note: Residents living in close proximity to the sewage holding tank are complaining about the stench, noise and vehicle fumes associated with the tanker emptying process that occurs once or twice every day, including visits in the evening. This totally obnoxious process is regarded as a severe environmental nuisance]

Whilst this tank is described as being a “temporary” arrangement pending completion of the necessary sewerage network reinforcement by SW, there is no firm commitment or timescale to such work at present. As a consequence, the sewage holding tank is likely to be in operation for an indefinite period, in contradiction to the term “temporary”. Loxwood PC wishes to ensure that, given the number of other potential development sites in the village, there is no proliferation of this highly unsatisfactory and archaic method of sewage disposal.

CDC’s Supplementary Planning Document on Adopted Surface Water and Foul Drainage makes absolutely no provision for foul drainage on a new development site to drain to a sewage holding tank (cesspool). In addition, the Environment Agency document “Advice for local authorities on non-mains drainage from non-major development” makes it clear in paragraph 5.1, that in accordance with Building Regulations 2010 (Approved Document H) “there is a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so”. It continues by stating that “problems with the public sewer being at capacity, or other operating problems with the public sewer are not acceptable reasons for non-connection, where this is reasonable in other respects”. It is clear that the sewage holding tank, as installed at the Thakeham site, does not comply with the stated guidelines and its approval by CDC therefore hinges on the term “temporary”. Based on enquiries, it is clear that SW has not yet identified the scope, secured budget approval, or outlined a potential timeframe for implementing the Loxwood Design Plan for Growth, it is therefore difficult to understand how CDC can regard the Thakeham site sewage disposal arrangements as being “temporary”.

The CDC Planning Committee report, in relation to a proposed development at Black Hall (LX/20/01977/FUL) clearly demonstrates that CDC are fully aware of the situation regarding SW proposals for sewerage network reinforcements in Loxwood. These proposals, which are likely to be extensive, are at an early stage and the 24 month estimate for completion of the necessary works was totally unrealistic (more likely to be 5-10 years). Given CDC’s acknowledgement of this situation, it is particularly difficult to understand why CDC has given planning approval to an unacceptable method of sewage disposal for an indefinite period at the Thakeham site. For the Black Hall site, the developer, by means of a planning condition, will be required to phase construction and occupation to align with the eventual completion of the network reinforcement, but this requirement was not stated so specifically for the Thakeham Homes site, thus leaving the door open to this unacceptable temporary solution.

Given the circumstances described, it is LPC’s opinion that the approval of a “temporary” sewage disposal method at the Thakeham site was an error by CDC.

LPC was pleased to note the phasing requirement being proposed for development on the Black Hall site and requests that all future development will be similarly phased in a formal manner following due consultation with SW on realistic timescales for completion of sewerage network reinforcement.

LPC has also noted that "Policy A15 Loxwood" recently published in the Local Plan Reg.19 consultation document also requires phasing to take place commensurate with any SW wastewater system upgrades (treatment works and sewerage system).

LPC requests that CDC make a written commitment to this policy intent for all future planning applications.

Yours sincerely

J Bromley

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CC Gareth Evans
CC Diane Shepard