



Loxwood Parish Council

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Clerk: Mrs Jane Bromley

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Ofwat
Centre City Tower
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6th February 2023

Dear Sir/Madam

Outline of complaint by Loxwood Parish Council regarding Southern Water actions on new sewerage connections

Introduction

Loxwood PC requests Ofwat to investigate the actions of Southern Water in relation to the apparent failure to permit sewer connections from new developments in the village of Loxwood. This document is intended to provide an outline of the issues pertaining to this apparent failure, in order to establish whether this is an appropriate matter for Ofwat to investigate. Further details and documentation will be provided should Ofwat agree to undertake an investigation. This complaint relates to the legal responsibilities of Southern Water under Sections 94 and 106 of the Water Industry Act 1991, but the issues to be investigated are inextricably linked to local planning processes involving Chichester District Council. It is acknowledged that Loxwood PC has no specific remit for involvement in drainage matters, but it does have responsibilities in the local planning process (Neighbourhood Plan) and in providing comments on planning applications. It also has a role in representing the concerns of local residents on issues of infrastructure deficiencies and problems such as sewer flooding.

In the preparation of this document and in various dealings with Southern Water, Chichester DC and developers, Loxwood PC has relied on the assistance and advice of xxxxxxxxxxxxxxxx, a local retired engineering consultant who specialised in wastewater projects for a number of Water Companies, including Southern Water.

Sewerage Background

The sewerage system serving Loxwood is shown on Figure 1. The system also serves the village of Alfold, part of which is in the catchment area of Thames Water. There is a terminal pumping station (Onslow Arms WPS) where flows from Loxwood are pumped, together with additional flows from Ifold and Plaistow, to Loxwood WTW. The sewerage system was constructed in the 1960's and within 20 years hydraulic overloading and sewer flooding were being widely reported. From the early 1990's onwards, Southern Water have

progressively fitted AFD's and sealed manholes at a number of properties (currently 20-25 on the sewerage branch serving Loxwood/Alfold). Similar measures have been carried out in the Ifold/Plaistow part of the sewerage system. There is a CSO at Onslow Arms WPS which operated on 53 occasions in 2021 and 93 occasions in 2022. All local parties (Southern Water, Chichester DC, Loxwood and Plaistow PC's and local residents) are acutely aware that the sewerage system is seriously overloaded. It is known that Southern Water initially carried out a Drainage Area Study in 2004/5, but concluded that the problems of direct surface water connections and groundwater ingress were so severe that there was no economic solution. Consequently, the AFD's and sealed manholes have become long term measures in the prevention of sewer flooding.

New Development Sites in Loxwood

It is recognised that Southern Water is only consulted in respect of Local Area Plans and is not a Statutory Consultee on planning applications, although it does provide comments and advice to Chichester DC on individual applications as and when deemed necessary.

Up until 2015 there had only been a number of small development sites in Loxwood, adding to a nucleus of approximately 350 properties connected to the original sewerage system. A Neighbourhood Plan was produced for the village in 2015 which identified further development sites and warned of the overloaded sewerage system. Southern Water is a Statutory Consultee at Regulation 14 stage of Neighbourhood Plans, but made no comments on the Loxwood Plan. Figure 2, which was originally produced for the Neighbourhood Plan, has been updated with information on additional development sites, both approved and potential.

One development site at Nursery Green (planning application LX/15/02012/OUT) was given planning approval in 2016 subject to a Section 98 requisition for an online storage tank to mitigate part of the overloaded sewerage network. However, introduction of the new Sewerage Infrastructure Charge thwarted the Section 98 proposal and in 2018 it was belatedly substituted by an ad-hoc, conceptually flawed, "temporary" storage arrangement which remains in operation to the present day and has impeded implementation of a Section 104 adoption agreement. It is not known why the developer, Antler Homes, did not invoke the right to connect under Section 106.

During 2020 the failure of Chichester DC to demonstrate its required 5 year housing supply target resulted in a spate of speculative planning applications on several sites on the western side of Loxwood village. Because each planning application was considered and commented on by Southern Water on an individual basis, there was no recognition of the cumulative growth impact of these applications. Southern Water's standard response to each development application was that the Loxwood sewerage system is overloaded and that network upgrade measures were anticipated within a period of 24 months.

[In fact it was Loxwood PC that alerted Southern Water of the cumulative effect of this potential increase in development which would add in excess of 200 properties to the existing 400 dwellings within the central part of Loxwood, a 50% increase. On the basis of

*this information Southern Water instigated a **Design Scheme for Growth** for Loxwood in 2021]*

Despite being aware of the absolute legal right for developers to connect, Chichester DC has considered it necessary to incorporate planning conditions that provide for temporary alternative arrangements for foul sewer connections, in the event that the necessary sewerage upgrading works are not completed within a 24 month period. The involvement of Chichester DC, as a third party, in imposing planning conditions relating to sewerage matters and making agreements relating to alternative sewage disposal arrangements is acknowledged to be questionable.

The first of these speculative developments (Thakeham Homes Phase 1 - 50 houses planning application LX/20/01481/FUL) was approved in October 2020. Construction duly proceeded and the first occupations commenced in November 2022. As required by the planning condition, the developer submitted a “temporary” solution to Chichester DC, involving construction of a sewage holding tank (effectively a cesspool) to be emptied by Southern Water until the necessary network upgrade is complete. Southern Water stated that preparation of the **Design Scheme for Growth** is at an early stage and there is no committed timescale to undertake the necessary upgrading works. As a consequence, it is inevitable that the holding tank will remain in use for an indefinite period, in contradiction of the term “temporary”. Loxwood PC is not privy to discussions between Thakeham Homes and Southern Water regarding this “temporary” solution and does not know if the developer submitted a formal application to connect a new sewer under Section 106. The approval of this “temporary” solution (cesspool) by Chichester DC does not comply with National Planning Guidance, Chichester DC’s own Supplementary Planning Guidance and EA Guidelines to local planning authorities on non-mains drainage. Loxwood PC is now requesting that approval of any further planning applications by Chichester DC should be subject to phasing agreements for housing occupations to be strictly coordinated with implementation of the Southern Water **Design Scheme for Growth for Loxwood**.

[Note: All planning applications for further development in Loxwood are currently on hold, owing to a requirement imposed by Natural England for all new sites to demonstrate water neutrality]

Conclusions

Loxwood PC fears that the temporary agreement for sewage disposal for the Thakeham Homes Phase 1 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 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 overloaded. It is this specific issue that Loxwood PC is requesting Ofwat to investigate.

Yours faithfully,

J Bromley

Jane Bromley
Clerk, Loxwood Parish Council

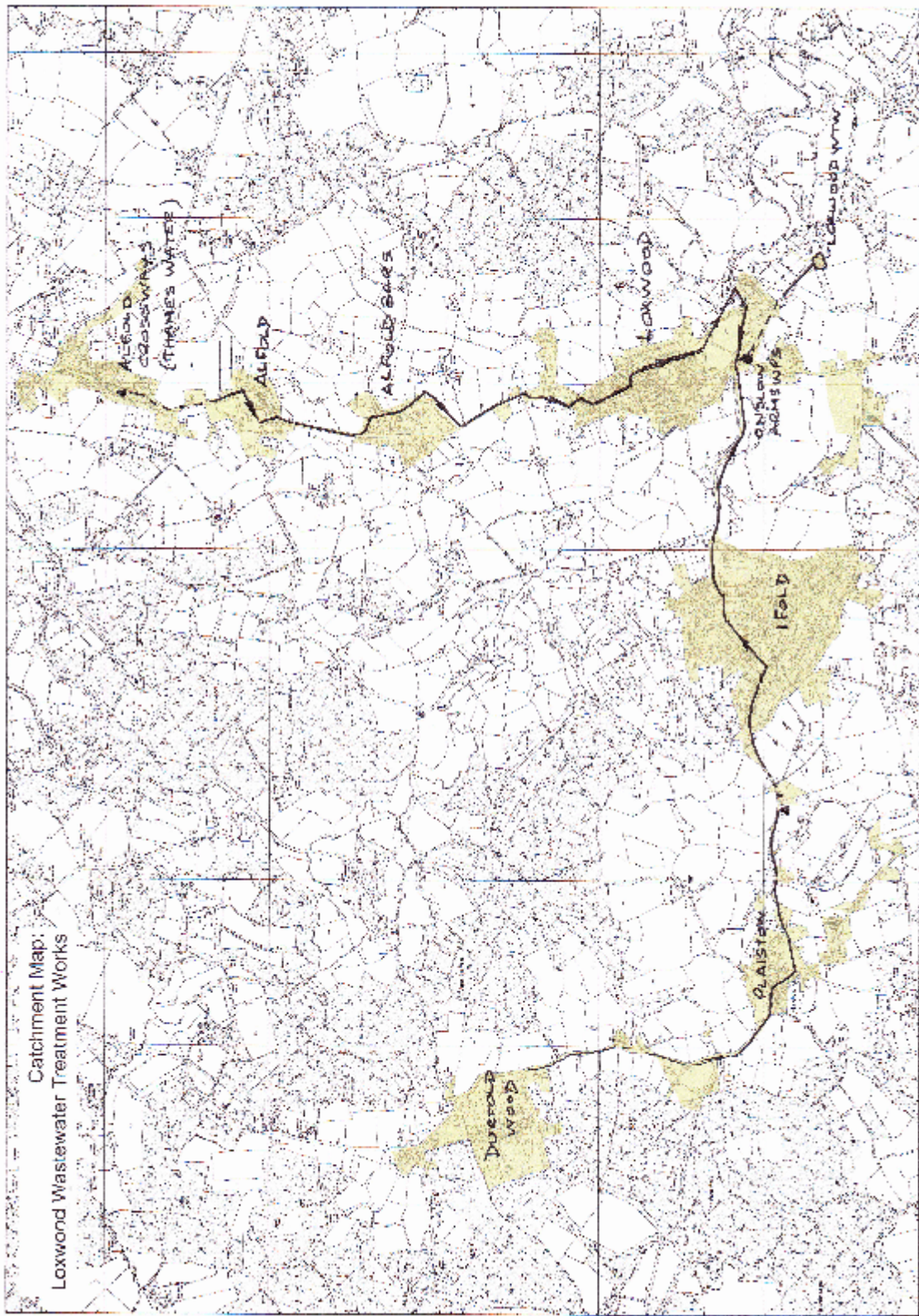


FIGURE 1

Figure 1

Neighbourhood plan Allocated Site Map

