

Paragraph 1.3.5 – The following stages have shaped the draft SPD.

Key matters raised via the informal engagement:

- That utilities infrastructure would need to be provided in an appropriate way, including improvements to waste water facilities in the area.

Taking the full content of the SPD into account, as the existing waste water facilities owner and operator, Southern Water is concerned that the above wording could imply that we have been in contact with Maidstone Borough Council (and/or others) throughout your development of the draft SPD regarding the wastewater facilities to serve the Heathlands Garden Settlement proposal of 5000 homes. Instead, could the wording be adjusted to reflect the informal engagement with the public that it is you are referring to above:

Key matters raised via the informal engagement with the public:

#### Further explanation & justification:

Southern Water has reviewed all details of past local plan consultations, duty to cooperate meetings and the Statement of Common Ground with Maidstone Borough Council (MBC) and can confirm that:

- Prior to release of this draft SPD for consultation, the most recent focus of communication with Maidstone Borough Council (MBC) on strategic wastewater treatment works assets was nutrient neutrality.
- The nutrient neutrality concern is addressed by our 2030 WINEP regulatory targets and the associated AMP8 business plan funding to enhance treatment processes at the existing Lenham Wastewater Treatment Works (WTW) to Technically Achievable Limits (TAL). Without further information, we had therefore understood this investment would address the need for 'a new or improved works'.
- This understanding is consistent with all our Local Plan consultation responses that were based on the 'agent of change' principle, asking for policies that require future developers to complete odour assessments in consultation with us due to proximity of proposals to the existing WTW, also asking for some allowance for future expansion of Lenham WTW.
- Until very recently, Southern Water was unaware that moving the existing Lenham WTW was an option amongst those suggested for wastewater treatment in relation to the needs of this development proposal. Such a move is a significant undertaking that requires long-term planning.
- We have recently been approached to work in consultation with Homes England on the range of potential wastewater treatment options available to support this new development proposal of 5000 homes. This work should identify from a range of options the preferred wastewater treatment options in terms of cost and benefit, in addition to an appropriate route of funding for the option selected.

#### Paragraph 3.2.16

As we've confirmed in meetings with MBC on the 8<sup>th</sup> December, improvements to Lenham required for nutrient neutrality would be addressed by the AMP8 investment required by 2030 under LURA (and formally agreed for Lenham WTW by the Environment Agency in the WINEP for AMP8).

### Paragraph 3.3.2 – key elements to be considered as part of the approach to delivering Heathlands Garden Settlement:

- The need to accommodate either the potential expansion and improvement of the existing wastewater treatment works **or its relocation to a suitable part of the site**

As the wastewater facilities owner and operator Southern Water is concerned that the public might misunderstand the above 'key elements' section, we therefore request the bulleted wording be replaced with the following that also helps ensure a balanced approach to reviewing options to serve the proposal:

- The need to explore a range of possible wastewater treatment options and the funding for these, including options to expand and improve the existing wastewater treatment works or its relocation to a suitable part of the site.

#### **Further explanation & justification:**

The option to relocate the existing wastewater treatment works is a significant material consideration, undocumented prior to this SPD consultation stage. Our Statement of Common Ground with MBC indicated there would be meetings on the topic of wastewater infrastructure – “Heathlands WTW”. However, as we have only recently been contacted on this topic as part of the master planning for the proposal, we consider that the revised wording provides a more balanced statement aligning with the current stage of master planning and the range of options that should be considered for wastewater treatment.

### Paragraph 6.3.8

Is broadly in line with our Local Plan consultation responses, although this wording does not account for the onus that the 'agent of change principle' places on the developer to fund any measures needed to mitigate potential impacts from the continuing operation of an existing wastewater treatment works.

### Paragraph 6.3.10 The approach to addressing drainage and wastewater issues must be clarified as part of the future planning applications...

We ask for modified wording here please, and request this paragraph instead read:

The approach to addressing drainage and wastewater issues must be clarified as part of the future planning applications in consultation with the wastewater service provider and asset owner, including establishing a timescale to provide appropriate solutions and the funding to achieve these.

#### **Further explanation & justification:**

As indicated in our above replies to 1.3.5 and 3.3.2, without advanced notice Southern Water was unaware of any need to factor the medium to long-term funding implications inherent in an option to move the existing Lenham wastewater treatment works. As explained above, the AMP8 investment plan for Lenham is agreed with 2030 regulatory deadlines to deliver treatment to technically achievable limits at the existing site. (The submission deadline for water industry draft AMP8 business plans was October 2023, and these were finalised earlier in 2025 further to review by the Competition and Markets Authority).

### Paragraph 6.3.10 (g) Wastewater treatment facilities must be appropriately located, having particular regard of the amenity of neighbouring uses including housing..

We ask for modified wording here please, to ensure alignment with the agent of change principle firmly embedded in national policy, as referenced by all past consultation responses Southern Water provided in reply to each draft Local Plan. For conformity with national planning policy this paragraph should instead read:

“(g) Development must be appropriately located, having particular regard of the amenity of sensitive locations proposed in proximity to existing businesses”

or alternatively;

“(g) Any proposals for a new wastewater treatment works should ensure the works is appropriately located, having particular regard of the amenity of neighbouring uses including housing.”

#### **Further explanation & justification:**

The 'agent of change principle' holds the position that a person or business (ie the agent) introducing a new land use is responsible for managing the impact of that change. The 'agent of change' principle places the responsibility for mitigation on the incoming 'agent of change'. The 'agent of change' in the case of a new development proposal in proximity to an existing wastewater treatment works is therefore the developer with respect to the location/layout of the proposed new development.

Paragraph 200 of the National Planning Policy Framework (NPPF December 2024) seeks to ensure that '*existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established,*' while paragraph 198 states that development should be appropriate for its location, taking account of the living conditions of future occupants.

The National Policy Statement for Wastewater (4.3.14) also states that "*it is important for the decision maker to consider the impact of odour emissions from waste water infrastructure not from the narrow perspective of nuisance but to consider the broader impact on amenity*".

### Paragraph 6.12.8 Sustainable Design (e) Development must be designed to avoid and minimise flood risk. Sustainable Drainage Systems (SuDS) should be integrated into the site where feasible...

We ask for modified wording here please, to ensure alignment with the National Standards for Sustainable Drainage published by the Government in June 2025. Please could the above wording be revised to:

(e) Development must be designed to avoid and minimise flood risk. Sustainable Drainage Systems (SuDS) should be integrated into the site in accordance with the National Standards for Sustainable Drainage...

#### **Further explanation & justification:**



Southern Water strongly supports all policy requirements which seek to ensure that surface water is appropriately managed, as close to source as possible. We therefore support adherence to the National Standards for Sustainable Drainage for all development wherever possible. This is particularly important to the Heathlands proposal as:

- it is proposed across a mostly undeveloped area of land (permeable to surface water).
- the Lenham wastewater catchment is designed to accept foul flows – this is the definition of foul sewers made clear in the National Standards for Sustainable Drainage that distinguishes these from combined sewers.

We need master planning for Heathlands to help ensure that the measures necessary to sustainable development are delivered in response to the climate crisis. Sustainable development must be central to the local planning framework for planning applications coming forward. Measures should support the attenuation of flows of surface water run-off from rainfall, as well as surface water infiltration into the ground wherever possible in the local environment.

Southern Water is working across our region to remove surface water from our networks in key areas. Even as we deliver this work, development continues to increase surface water run-off. We must therefore plan to ensure that rainwater is separated from wastewater in the design and construction of our communities, to ensure community resilience to the evolving impacts of climate change. For more information on our work, and the root causes of releases from storm overflows, please see –

<https://www.southernwater.co.uk/our-region/clean-rivers-and-seas-task-force/pathfinders/>  
<https://www.southernwater.co.uk/our-performance/storm-overflows/storm-overflow-task-force>

Over time, the expansion of urban settlements as well as ‘urban creep’ (home extensions, conservatories and paving over front gardens for parking) have incrementally added to the amount of rainwater entering sewers, resulting in increased releases from storm overflows. As stated in Water UK’s 21st Century Drainage Programme;

*“The country’s built environment is constantly changing and “urban creep” – home extensions, conservatories and paving over front gardens for parking – can all add to the amount of water going into our sewers and drains. Green spaces that would absorb rainwater are covered over by concrete and tarmac that will not. In fact, studies show that “urban creep” results in a larger increase in predicted flooding than new housing, because it adds more rainwater to these systems’.*

The complexities and challenges of drainage need a collaborative approach between the responsible organisations, such as Local Authorities, Southern Water, the Environment Agency and community groups to adapt the urban environment to be more resilient to our changing weather patterns. Communities need planning policy to go further as climate change now demands we re-think and re-design communities. More resilient and efficient homes are essential – conserving both energy and water. However, we also need to ensure that design will not mean that rainwater continues to run off homes and surfaces so fast that it causes flooding and storm discharges into rivers and seas. By controlling the rate and volume of surface water flows, SuDS should prevent these from entering the foul sewer network. SuDS can therefore improve existing flood risk as well as water quality. Together, we need to encourage proactive, cross-sector collaboration and integrated water management.

**Key to Figure 18 that reads “Indicative location of upgraded or relocated waste water treatment works and associated infrastructure”**

Please could this be revised to read:

“Indicative location that could be considered for use by a new or relocated waste water treatment works”

## Further explanation & justification:

As explained in our response to paragraph 6.3.10(g) the 'agent of change principle' encapsulates the position that a person or business (ie the agent) introducing a new land use is responsible for managing the impact of that change. The agent of change principle is firmly embedded in national policy:

- Paragraph 200 of the National Planning Policy Framework (NPPF December 2024) seeks to ensure that *'existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established,'* while paragraph 198 states that development should be appropriate for its location, taking account of the living conditions of future occupants.
- The National Policy Statement for Wastewater (4.3.14) also states that *"it is important for the decision maker to consider the impact of odour emissions from waste water infrastructure not from the narrow perspective of nuisance but to consider the broader impact on amenity"*.

Paragraph 9.2.1 – Policy LPRSP4(A) is clear that a bespoke infrastructure funding agreement should be agreed to ensure the delivery of policy and infrastructure requirements for the Garden Settlement. This bespoke funding agreement is expected to capture higher contributions than that which would ordinarily be captured using a borough CIL approach, to be spent on infrastructure locally, and in the surrounding areas, particularly Lenham and Charing, where suitable.

In our review of this SPD, we note that although costs to move a wastewater treatment works would not typically be funded through CIL, any need to undertake such a move for the sole purpose of enabling the Garden Settlement could be considered to comply with at least two of the tests set out in paragraph 9.2.4 where it states that obligations are:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.