

**North Farnbridge****Manor Farm and Land West of the Avenue**

Anglian Water Services Ltd.

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**Preface**

The purpose of the conditions that we request is to ensure that additional flows do not have a detrimental impact on existing network operational performance.

The analysis has been carried out to provide a drainage strategy which has enabled us to recommend discharge of the following conditions.

Anglian Water Services has an obligation, under Section 98 of the Water Industry Act 1991, to provide a new sewer from the existing sewer network, upon receipt of a sewer requisition. Where it is identified that flows from the new sewer will cause detriment to the existing sewerage network AWS can recover a proportion of the reasonable costs incurred in providing mitigation by way of further sewerage works in consequence of the sewer requisition. Consequential sewers provided in this way are limited in the following ways:

- 1- They may only remove any additional operational risk to the sewerage network caused by the provision of the new sewer, and not more: in other words they can not provide betterment of said network.
- 2- They may not extend to sewerage works intended to rectify an existing deficit in the system. This is because they are provided purely in consequence of the requisitioned sewer.
- 3- It is only sewerage works that may be provided and not treatment facilities. This is because the Act only allows for the provision of a 'sewer' then the developer can not be held liable for costs associated with providing additional capacity at Water Recycling Centre (WRC).

The limit of this statutory obligation has been tested.

Alternatively, if no new sewer is required (and therefore no new requisition made), a developer may simply seek a connection to the existing sewerage network, thus avoiding the sewerage undertaker's ability to provide necessary consequential works at the developer's cost. In these cases, sewerage undertakers generally seek planning conditions to achieve the same effect as the requisition process. Accordingly, the planning conditions we request in respect of an acceptable sewer network are operated to no greater effect than the requisition process; in other words it is operated subject to the same limitations.

**For Manor Farm, North Fambridge (30 C3 dwellings)**

Analysis has confirmed that the connection of flows from this development has no significant impact on the performance of the foul water sewerage system, therefore the foul water drainage conditions in respect of this site can be discharged.

***Anglian Water recommends foul water conditions are discharged in full.***

**For Land West of The Avenue, North Fambridge (75 C3 dwellings).****Condition 13**

*“No development approved by this permission shall be commenced until a scheme for the improvement of the existing foul and surface water drainage system has been submitted to and approved in writing by the local planning authority. The scheme needs to set out the phasing of the development in terms of dwellings built and occupied alongside the foul and surface water system improvements needed. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until each phase of the scheme for improvement of the existing foul and surface water drainage system has been completed and confirmation obtained of available permitted capacity in the network and at the treatment works.”*

As discussed above, it is not Anglian Water’s practice to request the developer to fund improvements to the existing sewerage network beyond that required to address the development only. We have worked with the developer to ensure a drainage strategy has been produced which ensures that no detriment is caused to the existing operational performance by the flows from the proposed development.

BDW have provided Maldon District Council with a phasing strategy for the development. The phasing element of this condition has been met. The on-site and off-site drainage works will be undertaken in line and completed ahead of the first occupation.

Again, as discussed above, in relation to the Waste Water treatment, it is not Anglian Water’s practice to seek to hold the developer liable through the planning system for the funding of any infrastructure upgrades to water recycling centres (WRC). Investment in WRC is triggered by a number of risks, including growth and regulatory changes and process deterioration. The growth element of the future risk is known, therefore we are satisfied that this element of the condition can be discharged as invest prioritisation has commenced.

***Anglian Water recommends discharge of condition 13***

**Condition 31 (relating to WRC capacity)**

*“No development shall commence until a detailed wastewater strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details and retained as such thereafter.”*

Again, it is not Anglian Water's practice to hold the developer liable through the planning system for the funding of any infrastructure upgrades to water recycling centres. Investment in WRC is triggered by a number of risks, including growth and regulatory changes and process deterioration. The growth element of the future risk is known, therefore we are satisfied that the condition can be discharged as Invest prioritisation has commenced

***Anglian Water recommends discharge of condition 31***

**Condition 33**

*"No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained as such thereafter."*

The purpose of the foul water drainage strategy is to establish a method of connecting the development flows without creating additional detriment to the operation of the sewerage system. In response to a pre-planning enquiry AW undertook a desktop assessment that identified a network reinforcement solution in support of the outline planning application. Following their achieving outline planning approval Barratt David Wilson Homes (BDW) diligently approached AWS to carry out a detailed assessment of their proposed drainage strategy (including the new pumping station design) and of any potential detriment caused by their proposal. BDW entered into a S98 Underwriting Agreement with AWS that allowed this assessment to be completed to ensure that the required S98 works could be completed ahead of their first occupation.

This detailed analysis has provided an alternative, more reliable solution employing storage upstream of the connection point and discharge control on the development pumping station. This provides a more effective mitigation of the predicted- additional risk posed by the development. The agreed foul water strategy employs a control on the development pumping station to ensure that the development only discharges when there is sufficient capacity within the foul water network. The development onsite drainage has been designed to provide sufficient storage capacity to accommodate flows while the discharge is inhibited.

Under the terms of the S98 agreement the onsite elements of the work will be completed by BDW and the offsite works will be completed by AWS. BDW will install additional storage within the development drainage. The discharge control will be installed by AWS under the S98 sewer requisition scheme and delivery of this off-site work will be programmed to coincide with the onsite works to ensure that they are completed ahead of the first occupation.

The onsite infrastructure and pumping station has been submitted to Anglian Water for adoption, under a Section 104 agreement. Anglian Water will adopt this infrastructure and will therefore operate, control and maintain said infrastructure.

As the developer will provide the additional storage capacity to enable this strategy the foul water drainage conditions in respect of this site can be discharged.

**Anglian Water recommends discharge of condition 33**

**Conclusion**

The off-site control will be implemented in line with the developer's programme of on-site works and completed prior to occupation of any dwellings.

Anglian Water are therefore satisfied that the wastewater and foul drainage conditions associated with both manor Farm and land West of The Avenue can be discharged.