

# **Local Plan Hearing- Statement by Cllr Onnalee Cubitt Basingstoke & Deane Local Plan Examination**

## **Revised Hearings Programme V4 (18 September 2015)**

**Tues 10 November 9.30am  
Issue 10: Environment (Q20)**

Policy EM4 – Biodiversity, Geodiversity & Nature Conservation  
Policy EM5 – Green Infrastructure

Policy EM6 – Water Quality

Policy EM9 – Sustainable Water

Policy EM12 – Pollution

20.2

As I have stated on public record on numerous occasions including, inter alia, my submissions in October 2013 and my references to you and the Planning Inspector both on 27th November, 2014 and at the meeting in 2014 I believe that the current BDBC Plan is unsound in relation to Chapter 3 Paragraph 3.6 and Chapter 6, Policy EM6 and Paragraph 6.38, 6.43, 6.45, 6.46 , 6.48, and 6.49.. I believe on the basis of the evidence we have thus far, BDBC will be UNABLE to fulfil its obligations with regard to its Water Quality obligations stated in such paragraphs. I believe that if we build The Inspector's Policy OFF number of a minimum of 850 dpa. we will fail to ensure that we protect, manage and improve the water quality

I do not believe it is sustainable as per the NPPF. I believe it breaches Para 165 on The Environment as we do NOT have up to date information and we do NOT have a sustainability Appraisal which meets EU requirements. The Water Cycle Studies are between 7 and 9 years old. Their data needs to be updated.

I do not think the Plan is Legally Compliant in that it fails to provide up to date evidence on how it proposes to implement the requirements of the EU Water Framework Directive and how it proposes to improve the quality within the Water Framework Directive status, a legal requirement of the EU. It fails to provide evidence on how it will increase the status from Poor to Good by 2027, another legal requirement of the EU.

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I do not think it is Sound as it is neither positively prepared as the infrastructure requirement arising from EU Directive implementation and resulting from the Policy OFF number of 850 dpa can not be met. The higher number required by the Inspector can not be Justified as the higher number is not appropriate based on the evidence we have available. It is not Effective , as it is not deliverable over the Plan Period due to an inability to fulfil the Policy requirements in relation to Water Quality. Nor is it consistent with National Policy given the known breach since 2007 of both the EU Directive of 3 x higher than the water framework directive proposed standard for good ecological status (0.12 mg/l) and 6 x higher than the Common Standard for chalk rivers (0.06mg/l) and an anticipated but as yet UNKNOWN further worsening in those two breaches of legislation.

We have not been provided with sufficient updated data since the last Water Cycle Study 2, 2009 was published. We know we failed the physico-chemical Status in 2007 but we do NOT know what those levels are immediately downstream of the Sewage Treatment Works today.

Nor have we received evidence from the relevant bodies concerned as to how the Environment Agency propose to elevate the physico-chemical Status which is an EU requirement against a backdrop of increased development which we know is the prima facie cause of any further breach in the EU regulations in Water Quality .

The central tenet of this Plan is that the Council will mitigate real risks through regular monitoring and phasing of developments. Policy EM6 and Para 6.43, 6.44, and 6.45 And yet, we know that in the Water Cycle Study 1, 2007 it stated that we were in breach of the EU Water Framework Directive in 2007 by 3 x permissible phosphate levels and that **“all future development scenarios assessed will make this failure worse”** Page 23. Furthermore, on page 27 it stated that **“any increase in development will compound the already very high levels of phosphorous”**. (The permissible EU phosphate level for good status is currently 0 .12 mg/l). In 2007 our level immediately downstream of the Sewage Treatment Works was 0.35 mg/l. What is the current level immediately downstream of the Sewage Treatment Works in 2015? We know that the Environment Agency must have this data. We all need to see this data. If the Council has not been receiving this data then why not? More importantly the Planning Inspector needs to see this data to ensure that the obligations and requirements stated in Chapter 3 and Chapter 6 are being met today and are realistic, objective, achievable and consistent with National Policy for the Plan Period. **We need hard data on the annual levels of phosphate, macro invertebrates, macrophytes, BOD, ammonia and diatom levels downstream immediately after the STW discharge**

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**point since 2009 i.e. the last Water Cycle Study 2. Please can we have this data?**

We asked Thames Water some questions which are in blue below arising from stated committed infrastructure spends mentioned in Water Cycle Study 2, 2009. They kindly replied on 23rd September, 2015.

**Thames Water's replies are in red:-**

In the Water Cycle Study Paper 2 in 2009 Page 81 there was a reference to Thames Water infrastructure spend planned. They stated in 2009 that they could meet requirements up until 2016 but identified a £10-20m spend on sewage treatment improvements infrastructure would be required to provide capacity to serve growth until 2021. There were 2 Phases 2010-2015 ... Phase 2 2015-2020.....

1. Do we know what they have done?

We upgraded the sewage works effluent treatment stream between 2010 to 2015 to ensure continued compliance with Environment Agency consents when accounting for growth.

Between now and 2020 we are carrying out a phosphate reduction trial at Basingstoke Sewage Works to optimise existing chemical dosing technology to improve removal of phosphorus. This forms part of a national programme with other water companies and the EA to assess phosphate reduction technology.

**We do not have any current plans to upgrade the STW to cater for growth between now and 2020.** In the longer term an upgrade to the sewage works is likely to be necessary, but this will depend on any future changes of environmental consents set by the Environment Agency.

We continue to carry out capital maintenance works to ensure the sewage works plant and machinery at the STW is robust and effective.

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Also it states on Page 81 that Thames Water planned an additional £10m on sewage and sludge treatment infrastructure upgrades between 2010 and 2015 to improve serviceability at the Works. Did this happen?

Yes, during the period 2010 to 2015 we invested at the STW to improve our existing sewage sludge treatment infrastructure. Between now and 2020 we propose to build new enhanced sludge treatment plant at the STW to provide a more robust form of sludge treatment and provide us with the opportunity to create additional significant onsite renewable energy.

2. In terms of their current consents do we know what they are ref. mg/l for BOD, Ammonia, and Phosphates?

Basingstoke Sewage Treatment Works (STW ) (also known as Chineham Sewage Works) has 'permitted' consent to discharge final effluent into the local water course. The quality of this final effluent is monitored by the Environment Agency (EA).

Basingstoke STW already has some of the strictest consent of any of our sewage works at:

- 10mg/l suspended solids
- 10mg/l biochemical oxygen demand
- 1mg/l Ammonia
- 1mg/l Phosphate

In the Water Cycle Study 1 on page 19 it referred in Para 4.4.1. that Thames Water would breach its current consent flow limit by 2013.....

3. Do we know what happened and what that limit is?

Our consented flow limit is a Max Limit of 65,000m<sup>3</sup>/d. We continue to closely monitor the performance of the STW to ensure we meet the consent limits.

**[Mr. Planning Inspector..Please look at page 20 of the Water Cycle Study 1, 2007 Figure 4.1. Were these projections wrong? How has Thames Water met its Max Limit consent flow since 2013 given the increase in pop. and the 6,500 new houses already built? If the new breach date is 2016 how will they deal with it then?]**

4. Reference phosphorous/BOD/Ammonia mg/l can Thames Water tell us what the current levels per mg/l are immediately downstream of their STW. When were these measurement taken?

Measurements taken at the STW outfall point occur every day with lab analysis every couple of weeks. Our measurements show that the STW effluent quality falls within the consents set out above.

**[We still do NOT have the current reading of actual phosphate levels downstream of the discharge. The consents levels are NOT the same.]**

In Water Cycle Study 2, 2009 it recommended on page 146 that “a riverine ecological plan be agreed between the Environment Agency, Natural England and BDBC to **complement the on going biological monitoring programme**”. I was hoping to find in your suite of documents in the Evidence Library an annual data submission of such an agreed riverine ecological plan, Where is it? I was hoping to see the results of the annual monitoring process. Where is it? I was hoping to find a table of Baseline data for 2007 to include, inter alia, Phosphate and other levels in mg/l immediately downstream of the Sewage Treatment Works and then an annual update of the table to demonstrate that we can continue to fulfil our obligations as per Chapter 3 Para 3,6 and Chapter 6 Policy EM6 and associated Paragraphs. Where is this information?

I had hoped the Statement of Common Ground would provide evidence that such monitoring was already being supplied to the Borough in order to inform the Borough of the impact of the houses which have been built since 2007. Where is it? Instead I find that the Statement of Common Ground d.d. August 2015 leaves more questions than answers.

I know that the Environment Agency submitted a Water Modelling Summary d.d. February 2015 which talks about modelling scenarios but it does not state Baseline figures with annual updates. It refers to modelling data and aspirations with no hard data referring to today.

We know that in the Water Cycle Study 2, 2009 it stated on Page 81 that Thames Water infrastructure spend of £10-20m was required to provide capacity to serve growth until 2021. I had hoped in the Statement of Common Ground we would be updated on specific details of those promised improvements to the infrastructure which had been highlighted as essential. There does not appear to be any such update. The phased spends were

supposed to take place 2010-2015 and the 2015-2020. Did these projects take place? If not why not? What was the outcome of these spends? I hope the Planning Inspector will be advised of these key updates and required improvements. Moreover, we know that Thames Water originally stated in its submission in October 2013 that our Plan was not Sound as it failed on Effectiveness and Consistency with National Policy in relation to a number of issues but the main one was a lack of infrastructure capacity and waste water services. How are their concerns being addressed?

We know that since 2007 around 6,500 additional houses have been built but we still don't know what the cumulative impact of those developments have had year on year not only on phosphate mg/l readings but also on the macro invertebrates, macrophytes, BOD, ammonia and diatom levels downstream immediately after the STW discharge point since 2009 i.e. the last Water Cycle Study 2. We still do not know how Thames Water is managing to remain within the Max Limit of its consented flow of 65,000 m<sup>3</sup>/d, given that we were told in Water Cycle Study 1, 2007 that they would breach that Max Limit by 2013, on page 19 and in Figure 4.1 on page 20. If the new breach date is now 2016 what do both Thames Water and the Environment Agency plan to do in 2016 on this Max Limit?

**We also asked the Environment Agency some questions. We still await a response from them. We know from the Head of Planning at BDBC that the Environment Agency have been monitoring the Water Quality downstream so the information is somewhere at the Environment Agency, but we think it is essential that the Inspector and the Borough are also privy to this information before finalising the housing number.**

We need the raw evidence and NOT hypothetical, woolly, modelling assumptions to establish a true picture of the current Quality of our Water and current compliance or otherwise with Policy EM6 and Chapter 6 and Chapter 3 and Para 3.6.

The EU Water Framework Directive not only requires us to preside over no deterioration in band status but also to prevent further deterioration within band status and yet, on what little information we have been given by the EA we are advised that that will NOT be achieved vis a vis phosphates levels. Moreover, we have an obligation to establish a "route map" on how to elevate our failed status by latest 2027 which we also do not appear to have been given.

We believe there could be also be a breach in undertakings made in Para 6.48 as we know that there is still an outstanding issue with regard to the impact of pollutants both metals and hydro carbons resulting from the change

in run off from the surface water from the roads at Black Dam roundabout. The surface water historically used to run off into the aquifer at Brookvale. With the new roadworks that surface water course run off has been altered/ changed and the surface water from this Roundabout will now flow DIRECTLY into the River Loddon from large pipes without the natural aquifer filtering which used to take place. Highways told Basing and Lychpit Parish Council that the Environment Agency had said it is happy with the new course of the surface water run off arrangement and that it would not negatively impact the Water Quality of the River Loddon upstream but we have not had written confirmation of this from the Environment Agency despite repeated requests. Can the Planning Inspector get confirmation that this change will NOT result in further deterioration in the quality of the water?

The conclusions in Water Cycle Study 1 on page 26 stated in 2007 were .....

**“There is limited capacity at Basingstoke STW for additional growth, although Thames Water are currently designing an upgrade solution to allow population increase up to 2016 dRSS population. This is likely to increase flows above current consent and therefore Thames Water may need to apply for a variation to the existing consent by 2016. Further upgrade work will be required after 2016 to allow for further population growth. It is likely that the STW will need to meet a tighter BOD within the 2016 to 2026 horizon. There is an existing significant problem with phosphorous levels in the Loddon. In the chalk river stretch downstream of Basingstoke STW, the level is 0.35 mg/l, around 6 times higher than the Common Standard for chalk rivers(0.06mg/l) and the water framework directive standard for high ecological status , and around 3x higher than the water framework directive proposed standard for good ecological status(0.12 mg/l)”**

In conclusion, I believe both BDBC and the Planning Inspector will be negligent in their duties if they permit a housing number of 850 dpa to be approved as the evidence supplied in the Evidence Library is NOT up to date, fails to meet the NPPF requirement on sustainability and does NOT demonstrate that this number is SUSTAINABLE.

I believe that the Planning Inspector's Policy OFF housing number of 850 dpa needs to be reduced and that the ONLY way we can have a sustainable, legally compliant and Sound Local Plan is to acknowledge that Water Quality obligations cannot be met at the Policy OFF number of 850 dpa and that a new, Policy ON number needs to be applied at a lower figure.

The problem with our worsening Water Quality is not going to go away, simply by ignoring it.

In my opinion a credible solution has not yet been evinced.

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