

Statement of Common Ground
Portsmouth City Council & Southern Water

September 2024



Portsmouth
CITY COUNCIL



from
Southern
Water. 

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1. Introduction

- 1.1 This Statement of Common Ground (SCG) is a jointly agreed statement between Portsmouth City Council (PCC) and Southern Water. It sets out the position and understanding with respect to key strategic issues between the City Council and Southern Water. It is not binding on either party but sets out a clear and positive direction to inform ongoing strategy and plan making. It should be noted that this is a bilateral agreement between these two organisations only.
- 1.2 This SCG has been prepared in accordance with paragraph 27 of the National Planning Policy Framework (NPPF) and the section of the Planning Practice Guidance on Maintaining Effective Cooperation. It has also followed guidance prepared by the Planning Advisory Service (PAS) on this matter. It has been prepared in parallel with the Publication Local Plan (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This Plan, upon adoption, will supersede the existing Portsmouth Local Plan (2012). The new Local Plan will cover the period to 2040 and sets out the vision, objectives and policies to guide future development in the City over the plan period.

Relation between Portsmouth City Council and the Statutory undertaker

- 1.3 Southern Water provide essential water services to 2.5 million customers and wastewater services to more than 4.7 million customers across Sussex, Kent, Hampshire and the Isle of Wight. Southern Water is the sewerage undertaker for the City of Portsmouth. They are statutory consultation body in relation to Local Plans and Neighbourhood Plans who:
- Assess the impact of proposed housing allocations on existing assets and suggest mitigation through appropriate policy provisions accordingly,
 - Where relevant, requests policies that promote water efficiency, and protect water quality and resources,
 - Ensure Southern Water's assets are protected.

Planning Policy and national legislation (Drainage and SuDS)

- 1.4 Paragraph 20 of the NPPF states "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for [...] infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)".
- 1.5 National Planning Practice Guidance (PPG) states that "Plan-making may need to consider:
- the sufficiency and capacity of wastewater infrastructure
 - the circumstances where wastewater from new development would not be expected to drain to a public sewer
 - the capacity of the environment to receive effluent from development in different parts of a strategic policy-making authority's area without preventing relevant statutory objectives being met."
- 1.6 PPG further states in the section dealing with water supply, wastewater and water quality (Para 20) "If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with [...] The timescales for

works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage system have been carried out."

- 1.7 Paragraph 173 of the NPPF states that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that [...] it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate."
- 1.8 Paragraph 175 of the NPPF states that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits
- 1.9 The PPG sets out the Hierarchy of Drainage to promote the use of Sustainable Drainage Systems, by aligning modern drainage systems with natural water processes. The aim of the Hierarchy of Drainage is to drain surface water run-off as sustainably, as reasonably practicable. This process is managed by the Local Authority. Sustainable drainage systems are currently optional, however, the proposed inclusion of Schedule 3 to the Flood and Water Management Act 2010 will make it mandatory to install sustainable drainage to manage surface water on a new development.

Portsmouth Context

- 1.10 Budds Farm Wastewater Treatment Works in Havant treats the wastewater from homes across Portsmouth, Havant, Hayling Island, Waterlooville, Horndean and Hambledon. It serves nearly 410,000 people and during normal weather conditions treats almost 109 million litres of wastewater per day, enough to fill nearly 47 Olympic-sized swimming pools. During storm conditions it can treat up to 200 million litres per day.
- 1.11 In most areas of Portsmouth, surface water and wastewater are drained to the same 'combined' sewers networks, which then drain via pumping stations to a treatment site. This can result in these combined sewers operating at full capacity during periods of heavy rainfall.
- 1.12 Southern Water has delivered work to reduce the number of combined sewers systems serving Portsmouth by building separate surface water sewers, to ensure that a significant amount of surface water is directed straight out to sea, rather than to treatment sites. Note that this is surface water and does not contain any foul liquids. This work cost £20 million and took place in various locations across the city between 2012 and 2015.
- 1.13 One of the benefits of the work set out above, is that it reduced the total volume of surface water entering the gravity sewer network draining to Eastney Pumping Station, therefore reducing the risk of sewer flooding on that network during periods of heavy rainfall.

2. Key strategic matters

- 2.1 This section sets out where agreement has been reached on strategic matters, or where further work to reach common ground is required. It should be noted that all the figures where included relate to the plan period for the Portsmouth Local Plan of 2020-2040.

Future Growth

Housing Need	Housing Supply	Unmet need
17,980 (899 dpa)	13,603 (680 dpa)	4,376 (219)

Employment Need	Employment Supply	Unmet need
42,500	Office 77,099	0
96,300	B2/ B8 / R&D 79,784	16,516

Southern Water Representations

- 2.2 The policy within the Portsmouth Local Plan relating to the management of surface water on new developments is PLP32 (Sustainable Drainage Systems). Whilst it is the Local Planning Authority and the Lead Local Flood Authority (LLFA) who approve surface water drainage schemes for new development, Southern Water has been supportive of policy provision that ensures that surface water is attenuated on site and does not run off into their sewer network.
- 2.3 The City Council has liaised closely with Southern Water in drafting this policy, taking into account representations from the Regulation 18 consultation. Within the Regulation 18 Plan, drainage provision was covered under the draft policy G5 (Flood Risk and Drainage). The policy has since been separated due to the importance of treating flooding and drainage as separate issues, although ones that can sometimes be linked, and therefore a detailed approach is required for both.
- 2.4 In regard to the impact of new development on the main public sewer network, Southern Water has limited powers to prevent connections, even when capacity is limited. Planning policies and planning conditions, therefore, play an important role in ensuring that development is coordinated with the provision of the necessary infrastructure. Unless planning policies support delivery of the network reinforcements required to accommodate new development, there is a risk that it will not be delivered in tandem with development, leading to an unacceptable risk of foul water flooding to both new and existing residents. This situation would be contrary to paragraph 180(e) of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.
- 2.5 Therefore, whilst a lack of capacity is not a fundamental constraint to development, planning policies should ensure that new or improved infrastructure will be provided in parallel with the development. Portsmouth County Council have recognised this requirement through draft policy PLP32, criterion 6 which states *'Where necessary, occupation of development should be phased to align with the delivery of network reinforcement, in liaison with the service provider'*. This wording relates to development sites where capacity constraints may be identified and is supported by the PPG which states that *'Good design and mitigation measures can be secured through site specific policies for allocated sites [...]. For example, they can be used to ensure that new development and mains water and wastewater infrastructure provision is aligned and to ensure new development is phased and not occupied until the necessary works relating to water and wastewater have been carried out.'* (Paragraph: 019 Reference ID: 34-019-20140306).

Partnership for South Hampshire (PfSH) Position Statement

- 2.6 Surface water run-off and ground water infiltration entering a sewer system can cause it to surcharge during periods of wet weather, which is why it is important that these natural sources are managed effectively by the appropriate authorities, to ensure that they do not enter the main public sewer system. This includes the maintenance of land drainage and highways drainage.
- 2.7 PCC will continue to work collaboratively with the other PfSH authorities and partners including Southern Water to support and deliver key strategic principles within the PfSH Position Statement 2023.

Strategic Flood Risk Assessments Level 1 and 2

- 2.8 PCC have used the recommendations within the Strategic Flood Risk Assessments (SFRA) Levels 1 and 2 to inform policies on sustainable drainage systems. As part of the Regulation 19 Local Plan, Southern Water have reviewed the SFRA's and provided comments (where necessary) in relation to the recommendations contained within. PCC LPA have worked closely with Senior Coastal and Drainage Engineers (PCC) throughout the production of the SFRA's.

Nutrient Neutrality

- 2.9 PCC and Southern Water are working together through PfSH to deliver solutions on nutrient neutrality.
- 2.10 Nutrients, including nitrates, entering the water system from a variety of sources, are understood to be causing eutrophication in certain waterbodies within the Solent region. Natural England has issued advice to Local Planning Authorities on achieving nutrient-neutral development in the Solent region to reduce the impact of additional nutrients, in particular nitrogen, arising from new homes. Portsmouth County Council have set out their strategy¹ for mitigating the impact of new development on the Solent. The Environment Agency (EA) is the water industry's environmental regulator and defines the environmental permits that water companies are required to meet. The EA works with water companies, including Southern Water, to develop the Water Industry National Environment Programme (WINEP) which includes schemes and investigations that protect and enhance the environment. Southern Water and Portsmouth County Council continue to cooperate with the PfSH Water Quality group, (comprising local authorities, Natural England, the EA and Wildlife Trusts), which is working to identify and agree effective measures that will enable new homes to be built, whilst also ensuring the environment of the Solent and its harbours can be protected.
- 2.11 PfSH has been proactive in solving nutrient neutrality in the Solent since the introduction of the requirement in 2019. Through effective communication and collaboration with stakeholders across the catchment, PfSH has kept on top of the issue and ensured that new homes and overnight accommodation can be built more sustainably across Hampshire.

Hampshire Water Transfer and Water Recycling Project

- 2.12 Southern Water's proposals include a new strategic water resource scheme to provide drought resilience in conjunction with Portsmouth Water's recently consented Havant Thicket Reservoir. The scheme would utilise water recycling and water transfer technology to augment water supply from the reservoir to meet Hampshire's future water needs. The

¹ <https://www.portsmouth.gov.uk/wp-content/uploads/2020/05/Interim-Nutrient-Neutral-Mitigation-Strategy.pdf>

scheme is currently being progressed through the planning process for projects of national significance. The proposals include a water transfer pipeline corridor that traverses the northern part of Portsmouth City Council's administrative area.

2.13 The proposals also require the development of above ground plant within PCC's administrative boundary to manage water pressure along the pipeline route. The proposed plant within PCC boundary is located on Portsdown Hill in a location proposed as part of a broad area of 'Local Green Space' within the Regulation 19 Local Plan. PCC is working with Southern Water to ensure the development of the proposed plant is acceptable in planning terms and that the Local Green Space designation would not hinder the development of the overall project. The change to the Portsdown Hill Local Green Space is included in the Schedule of Minor Changes to the Pre-Submission Plan.

3. Signatories

3.1 Both parties agree that this statement is an accurate representation of matters discussed and issues agreed upon.

3.2 Both parties agree that they have engaged positively on an ongoing basis and that on this basis the Duty to Cooperate has been met.

3.3 Both parties agree that there are no substantial areas of disagreement between the parties relating to the emerging Portsmouth Local Plan and will both continue to work proactively on the key strategic cross boundary issues identified in this SCG.

Signed:	Signed:
	
Name:	Name:
Lucy Howard	Ryan Lownds
Position:	Position:
Head of Planning Policy	Strategic Planning Lead
Portsmouth City Council	Southern Water
Date: 16 September 2024	Date: 4 September 2024