

PART B – Please complete a separate Part B form for each part of the document you wish to comment on	
Name <i>(to ensure the comments are correctly recorded from each form)</i>	Lynda Moore CPRE Oxfordshire

1. To which document does this representation relate?

Proposed Submission Plan	YES
Policies Map within the Plan	NO
Sustainability Appraisal Report	NO (please delete)
Other Document <i>(please specify)</i>	

2. To which part of the document does this representation relate?

Paragraph <i>(please specify)</i>	
Policy <i>(please specify)</i>	Policy CSD 9 Water resources and wastewater infrastructure
Table <i>(please specify)</i>	
Appendix <i>(please specify)</i>	
Other reference in document <i>(please specify)</i>	

3. Do you consider the Proposed Submission Plan to be:

Legally & Procedurally Compliant?	NO
Compliant with the Duty to Cooperate?	YES (please delete)
<i>The 'tests' of Soundness:</i>	
Positively Prepared	NO
Justified	NO
Effective	NO

Consistent with National Policy	NO
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4. Please provide the reasons if you have selected ‘NO’ to any part of Question 3 and consider the Plan to be uncompliant and/or unsound. Please make reference to the part of the document you have identified. Alternatively, please explain why you consider the Plan to be compliant and/or sound.

Referring to the Supreme Court case (Barratt Homes Limited v Dwr Cymruyngedig (Welsh Water); the powers of local authorities to address lack of suitable foul water drainage for new developments, it is clear that in relation to an application for planning permission where adequate sewage disposal is absent that the planning authority can make planning permission conditional upon the sewage authority first taking any steps necessary to ensure that the public sewer will be able to cope with the increased load.

Cherwell has the power, which Thames Water lacks, to prevent a developer from overloading a sewage system before Thames Water has taken steps to upgrade the system to cope with the additional load.

Sadly, it is becoming more obvious that Thames Water the sewage authority has severe financial difficulties and may not be in a position to carry out much of the remedial work needed to upgrade treatment works in Cherwell District. However, this does not seem to have acted as any sort of brake on speculative large scale development proposals which are not within the Local Plan and which will require major expenditure by Thames Water to deal with sewage outflows. OUFC plans for the Triangle and Puy du Fou being examples.

To deal with this issue Cherwell needs to have robust procedures in place to satisfy itself that in addition to water resources which are covered in the proposed Policy, that disposal of waste water also is covered. We would suggest the following:

“Development will only be permitted where it is shown that adequate waste water facilities exist or can be provided without detriment to existing uses prior to the occupation of the relevant phase of the development.

Rather than the word “encouraged” in the penultimate paragraph of the Policy the word “required” be added and as set out in the Barratt case that both the sewage undertaker and OFWAT should be consulted at the planning application stage.

(Continue on separate sheet if necessary)

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound. Please provide any suggested wording or re-wording you consider necessary.

New Para 6

“Development will only be permitted where it is shown that adequate waste water facilities exist or can be provided without detriment to existing uses prior to the occupation of the relevant phase of the development.

Developers are **required** to contact the relevant sewage authority **and OFWAT** as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and waste water network reinforcement requirements. Where there is a capacity constraint the Council, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of the development. **In the absence of any evidence that such phasing will be in place then planning approval should either be refused or deferred until such time as that evidence is provided “**

(Continue on separate sheet if necessary)

6. If you are seeking a change to the Plan, do you wish to express an interest to participate in the Examination?

(Continue on separate sheet if necessary)

I wish to participate at the oral examination	YES
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7. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

CPRE Oxfordshire consider this necessary if the Inspector needs more information about the need for a better system of planning regulation concerning the discharge of sewage into our local rivers and streams which is a major problem for those living in Cherwell District and continues to get worse.

(Continue on separate sheet if necessary)

Please note: *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.*

PLEASE RETURN THIS FORM BY 11;59pm ON TUESDAY 25 FEBRUARY 2025 BY EMAIL TO:

PlanningPolicyConsultation@cherwell-dc.gov.uk

ALTERNATIVELY PLEASE SEND BY POST TO:

Planning Policy Consultation

Planning Policy Team

Strategic Planning and the Economy

Cherwell District Council

Bodicote House

Bodicote

Banbury

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