

Flintshire Local Development Plan 2015-2030

Statement of Common Ground
Dwr Cymru Welsh Water and Hafren Dyfrdwy

February 2021

Flintshire Deposit LDP

Statement of Common Ground Water Supply and Waste Water treatment Dwr Cymru Welsh Water and Hafren Dyfrdwy

Introduction

This SoCG has been prepared between Flintshire County council and Dwr Cymru Welsh Water and Hafren Dyfrdwy who both supply water and provide waste water treatment works for the county of Flintshire.

Purpose of this document

The purpose of this SoCG is to set out discussions between the parties and to identify any objections to policies, if they have been able to be resolved and if there are any still outstanding. This will provide a useful position statement for the Inspector and enable discussion at Examination to focus primarily on remaining areas of disagreement. The SoCG is based on an example format suggested by NRW which has been used at previous Examinations.

Overview of engagement

1.2 The Council is legally required to prepare a LDP under the Planning and Compulsory Purchase Act 2004, Part 6. The LDP must be determined ‘sound’ by the examination Inspector in order to be adopted (section 64 of the 2004 Act). One of the tests of soundness is ‘will the plan deliver?’ The Council must be able to demonstrate that the LDP is deliverable with no significant impediment to its implementation. This includes demonstrating that water and sewerage infrastructure provision is, or can be, in place to deliver the allocated sites within the LDP period.

1.3 Dwr Cymru Welsh Water and Hafren Dyfrdwy (DCWW/HD) are ‘specific consultation bodies’ in the plan process and as such the Council have worked in close collaboration with them throughout the different stages of LDP preparation. Sites were assessed and those allocations where water supply, sewerage capacity and/or wastewater treatment works (WwTW) capacity may be constrained over the lifetime of the LDP were identified.

1.4 Formal adoption of the LDP, along with details on expected delivery rates of allocations as provided by the Council, enables DCWW/HD to make informed decisions about future capital investment to support the delivery of the Plan. The demands on infrastructure changes over time and Appendix 1 of this document provides an update in terms of the capability of the existing infrastructure to accommodate the proposed allocations. This document has been created to allow specific comments on allocated sites to be easily updated to reflect the most current situation.

2.0 Welsh Water’s statutory duties and involvement in the planning process

2.1 Welsh Water is the statutory water and sewerage undertaker that supplies over three million people in Wales and some adjoining parts of England. Owned by Glas Cymru, a single purpose company with no shareholders, it is run solely for the benefit of customers.

2.2 Welsh Water, on behalf of their customers and in line with their principal responsibilities as set out under Section 37 (water) and 94 (sewerage) of the Water Industry Act 1991 (as amended), owns, operates, maintains, improves and extends the system of public sewers, water mains and associated apparatus together with treatment works and pumping stations and has corresponding statutory duties to ensure effectual drainage and for making available supplies of water.

2.3 Supporting development is one of the primary objectives for Welsh Water, alongside their core purposes to deliver effective sanitation and safe drinking water to their customers. In seeking to support growth they rely on the planning system to ensure that adequate infrastructure is in place to serve development. The importance attributed to Welsh Water’s involvement in the planning process is reflected in national guidance.

3.0 Welsh Water capital investment for growth and new development

3.1 Welsh Water’s capital investment is undertaken through a five-yearly Asset Management Plan (AMP) programme. The AMP7 programme is currently being delivered which covers investment for the period 2020-25, this will be followed by AMP8 for 2025-2030. Funding for capital investment is raised through customers’ bills.

3.2 Welsh Water is required to put forward a business plan for investment for each AMP cycle and to ensure that customer’s money is invested appropriately they rely on adopted LDPs with allocated development sites to give certainty of growth. The industry regulator, Ofwat, will not support investment for infrastructure to serve unconfirmed growth. As such there is potential for disparity in the timeframes of AMPs and LDPs and instances where ‘lead-in’ times are necessary to bring an infrastructure project and associated funding to fruition.

3.3 The AMP7 (2020-2025) Business Plan was submitted to Ofwat in 2018 and final determination was received in 2019. Schemes to accommodate the growth proposed in Flintshire’s LDP will be considered for inclusion in AMP7 however Ofwat expects developers to play their part in financing growth and new development, and that existing Welsh Water customers should not burden the full costs of infrastructure provision.

3.4 Where shortfalls in funding occur and there is no capacity in the local network of assets to accommodate new growth, the developer can either wait for Welsh Water to fund the necessary reinforcement works through future AMP investment or pay for the works themselves through the requisition provisions of the Water Industry Act (WIA) 1991 or via Planning Obligations Agreements under the TCPA 1990. It should be noted that the requisition provision of the WIA 1991 only applies to sewerage network

reinforcement works, not to WwTW schemes. Funding to deliver reinforcement works at a WwTW can be delivered via Section 106 of the Town and Country Planning Act 1990.

4.0 Welsh Water Infrastructure Capacity

4.1 From the outset of the LDP preparation the Council have undertaken detailed consultation with Welsh Water who have assessed the capacity available in their water network, sewerage network and Wastewater Treatment Works (WwTWs) to accommodate proposed growth. The demands on infrastructure changes over time, Appendix 1 provides an update in terms of the capability of the existing infrastructure to accommodate the proposed allocations. It should be noted however that comments are subject to change if other windfall developments are approved which impact the capacity available in the serving infrastructure.

4.2 Welsh Water has advised that it is difficult to provide definitive capacity comments for employment allocations as the potential demands on their infrastructure is unknown. Once the type of ‘end user’ is known and details of the waste requirements are confirmed, further assessments will be undertaken. Welsh Water also advised that they are only obliged to take ‘domestic’ foul flows from the allocations and should the ‘end user’ require a trade discharge to the public sewer then the consent of Welsh Water as the sewerage undertaker is required.

a) Waste Water Treatment Works (WwTW)

4.3 The allocated housing growth proposed in Flintshire’s LDP will be served by 7 different WwTWs – Buckley Ty Gwyn, Chester, Connah’s Quay, Flint, Hope, Mold and Queensferry. Not all of the WwTW are expected to have sufficient capacity to accommodate the expected ‘domestic’ flows from the allocated LDP growth and Welsh Water will continue to monitor the capability of our infrastructure to accommodate the growth and will keep the Council informed of future works planned through our regulatory investment.

| Waste Water Treatment Works | Settlements Served |
|-----------------------------|--|
| Buckley Alltami Road | Alltami |
| Buckley Ty Gwyn | Buckley, Leeswood, Pontblyddyn, Pontybodkin, Coed Talon |
| Caerwys | Caerwys, Afonwen |
| Connah’s Quay | Connah’s Quay, Northop Hall |
| Flint | Flint , Flint Mountain, Oakenholt |
| Greenfield | Bagillt, Greenfield, Holywell, Halkyn, Pentre Halkyn |
| Hope | Penyffordd |
| Lixwm | Lixwm, Rhes Y Cae, Ysceifiog |
| Llanasa | Berthengam, Ffynnongroyw, Llanasa, Gronant, Gwespyr, Talacre |

| | |
|-------------|---|
| Mold | Gwernymynydd, Mold, Mynydd Isa, Nercwys, New Brighton, Sychdyn |
| Mostyn | Brynford, Carmel, Gorsedd, Mostyn |
| Nannerch | Nannerch |
| Northop | Northop |
| Pantymwyn | Cilcain, Pantymwyn |
| Queensferry | Queensferry, Shotton, Ewloe, Hawarden, Sandycroft, Mancot, Drury, Burntwood |
| Rhosesmor | Rhosesmor |
| Rhydymwyn | Rhydymwyn, Hendre |
| Trelawnyd | Gwaenysgor, Trelanwyd, Marian |
| Treuddyn | Treuddyn |
| Whitford | Whitford |
| Chester | |

b) Foul network

4.4 The capacity available in the foul network to accommodate the LDP allocations has also been considered. In those locations where insufficient hydraulic capacity exists, foul hydraulic modelling assessments (HMA) may be required to establish suitable connection points and / or necessary reinforcement works to enable the sites to connect.

4.5 Potential developers also need to be aware that where sites are crossed by public sewers, protection measures in the form of easement widths or a diversion of the pipe would be required which may impact upon the housing density achievable on site.

5.0 The right to connect and Grampian Conditions

5.1 All water companies have a legal obligation under sections 37 and 94 of the Water Industry Act 1991 to allow developers to connect to the public water mains and sewerage systems.

5.2 In some cases capacity does not exist within the existing systems to accommodate the increased load from a development site. In such cases the planning authority can make planning permission conditional upon there being adequate facilities to cater for the development. The case precedent is the Supreme Court decision in Barratt Homes v Welsh Water where the use of ‘Grampian’ planning conditions was deemed to be an appropriate means of ensuring that a connection to a sewer is properly managed.

5.3 Thus the planning authority has the power, which the sewerage undertaker lacks, of preventing a developer overloading the sewerage system before the undertaker has taken steps to upgrade the system to cope with the additional load. In summary a developer has a right to connect provided that a development site benefits from planning permission and there are no overriding planning conditions attached to that permission that controls the location or timing of that physical connection.

6.0 Conclusion

6.1 Having reviewed the proposed allocations, Welsh Water consider that there are no insurmountable constraints regarding the capability of their infrastructure to accommodate the proposed growth, or for the capability of any required infrastructure reinforcement works to be delivered. For some allocated sites there will be a requirement for developers to contribute to the provision of off-site sewers to connect sites to the existing sewerage networks. HMAs of the networks may also need to be undertaken at the developer's expense to establish connection points and/or any network reinforcement works required. These requirements are normal routine prerequisites for developers in the progression of development sites and are not expected to impede the delivery of site allocations. As such, a combination of reinforcement works through AMP investment, developer contributions via S106, and the requisition process can ensure that the allocated sites are delivered as proposed.

Appendix 1: Sewerage Infrastructure Capacity

1. Where there are no public sewerage facilities available in close proximity to sites the use of non-mains sewerage may be required. In such cases the provisions of WG Circular 008/2018 "Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants" apply and consultation with Natural Resources Wales would be required.
2. Welsh Water has rights of access to its assets at all times. Where there are sewers crossing sites then protection measures in respect of these assets will be required, usually in the form of an easement width or in some instances a diversion of the asset.

7.0 Hafren Dyfrdwy (Formally Dee Valley Water)

7.1 Hafren Dyfrdwy is responsible for providing a continuous supply of drinking water to 9 Community Council Areas in the east and south of Flintshire. These are :- Saltney, Broughton and Bretton, Penyffordd, Higher Kinnerton, Hope, only the eastern side of Sealand and for the majority of Leeswood, Treuddyn and Llanfynydd communities. The Flintshire areas is made up of two Water resource zones (WRZ): Wrexham WRZ which is supplied by 3 water treatment works with Llwyn Onn (Wrexham) being the main works. Saltney WRZ which receives a bulk supply from Hafren Dyfrdwy Severn Trent.

8.0 Links to Neighbouring Authorities Hafren Dyfrdwy manage water for the Flintshire, Denbighshire, Wrexham and Powys areas. There are also links to the Severn Trent area, specifically the Chester West and Chester area.

9.0 Key Issues Given the density and location of the proposed development in the Flintshire LDP, water infrastructure will be required to support development at the appropriate time. The phasing and delivery of infrastructure works will need to be planned to enable and support growth whilst operating within environmental controls.

9.1 Hafren Dyfrdwy's planning for new developments is based on development meeting the building regulations standard of 110 litres per person per day.

10. Infrastructure Requirements Infrastructure requirements will be specific to each individual scheme and will be influenced by the time at which the development comes forward, the scale of the proposed development and any associated works that have been carried out in the time preceding the scheme.

10.1 Potential developers also need to be aware that where sites are crossed by water mains, protection measures in the form of easement widths or a diversion of the pipe would be required which may impact upon the development density achievable on site.

11.0 Funding Sources Some of the infrastructure works required to deliver the sites would fall within the remit of Hafren Dyfrdwy's Regulatory Capital Investment Programme, which is agreed in five yearly cycles. The next round of funding, detailed in the company's Asset Management Plan, AMP7, will be approved in 2019/2020 (to cover the period 2020-2025).

11.1 Hafren Dyfrdwy included the expected growth for the next 25 years based on local authorities' development plan information but where development will create a need for extra facilities in advance of an Undertaker's Regulatory Investment, it may be reasonable for developers to meet or contribute towards the cost of providing such facilities. The industry regulator, Ofwat, does not support the investment for infrastructure to serve unconfirmed growth and therefore there is potential for disparity in timeframes between AMPs and LDPs.

11.2 Infrastructure costs will be specific to each individual scheme and will be influenced by; the time at which the development comes forward, the scale of the proposed development and any associated works that have been carried out in the time preceding

the scheme. As such is it is not possible to attribute an estimated costing to this infrastructure item at this time.

| Dwr Cymru Welsh Water / Hafren Dyfrdwy Deposit Consultation Representations | | | | | |
|--|---------------------|------------------------------------|--|---|-------------------------|
| Site Name and ref | Water supply | Waste water treatment works | Funding Mechanism | Deposit Representation | Updated position |
| Strategic Sites | | | | | |
| STR3A Northern Gateway Mixed Use Development Site | DCWW | Queensferry | | This site has planning permission and we have no further comment to make. Welsh Water made representations on this site through planning applications 049320 & 050125 | No change |
| STR3B Warren Hall Mixed Use Development Site | Hafren Dyfrdwy | Chester | Developer expected to fund pre planning investigations. Potential Sources of Funding is from Site developers and/or Hafren Dyfrdwy Short-Long (to 2028). Dependent on | Welsh Water does not supply water to this area. A Hydraulic Modelling Assessment (HMA) will be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages. The findings of the HMA would inform the extent of any necessary sewerage upgrades, which can be procured via the requisition provisions of the Water Industry Act 1991 (as amended). Potential developers need to be aware that this site is crossed by a sewer and | No change |

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| | | | <p>delivery of development, and/or Hafren Dyfrdwy investment programmes AMP7 (2020-2025); AMP8 (2025-2030)</p> | <p>protection measures in the form of an easement width or a diversion of the sewer would be required, which may impact upon the development density achievable on site. Chester Wastewater Treatment Works (WwTW) can accommodate foul flows from the proposed development site.</p> <p>Drinking water supply provision through possible upgrading of existing water treatment works or off site infrastructure to increase capacity to accommodate growth as required. Also possible changes to existing assets where required if running through development sites.</p> | |
| Housing Allocations Tier 1 Main Service Centres | | | | | |
| HN1. 1 Well Street Buckley 159 units | DCWW | Buckley Ty Gwyn | WW asset management plan or potentially earlier through developer contributions. | A water supply can be provided for this site. The public sewerage network can accept potential foul flows from this development site. The proposed growth in the Buckley Wastewater Treatment Works (WwTW) catchment area would require improvements which would need to be funded through our Asset Management Plan (AMP) or | No change |

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| | | | | potentially earlier through developer contributions. | |
| HN1.2 Broad Oak Holdings, Mold Road, Connah's Quay 32 units | DCWW | Connah's Quay | | This site has planning permission and we have no further comment to make. Welsh Water made representations on this site through planning application 058583. Potential developers need to be aware that this site is crossed by a water main and protection measures in the form of an easement width or a diversion of the main would be required, which may impact upon the housing density achievable on site | No change |
| HN1.3 Highmere Drive Connah's Quay 150 Units | DCWW | Connah's Quay | | A water supply can be provided for this site. The public sewerage network can accept potential foul flows from this development site. Connah's Quay Wastewater Treatment Works (WwTW) can accommodate foul flows from the proposed development site. | No change |
| HN1.4 Northop Road Flint 170 units | DCWW | Flint | | Welsh Water has made representations on this proposed site through planning application 058314. A water supply can be provided for this site. The public sewerage network can accept potential foul flows from this development site. | No change |

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| | | | | Flint Wastewater Treatment Works (WwTW) can accommodate foul flows from the proposed development site. | |
| HN1.5 Maes Gwern Mold 160 units | DCWW | Mold | | This site has planning permission and we have no further comment to make. Welsh Water made representations on this site through planning application 056742 and 058992. | No change |
| HN1.6 Land between Denbigh Road and Gwernaffield Road Mold 246 units | DCWW | Mold | | A water supply can be provided for this site. Potential developers need to be aware that this site is crossed by strategic 19” and 20” water mains and an easement width would be required which may impact upon the housing density achievable on site. A Hydraulic Modelling Assessment (HMA) will be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages. The findings of the HMA would inform the extent of any necessary sewerage upgrades, which can be procured via the requisition provisions of the Water Industry Act 1991 (as amended). Mold Wastewater Treatment Works | No change |

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| | | | | (WwTW) can accommodate the foul flows from the proposed development site | |
| Housing Allocations Tier 2 Local Service Centres | | | | | |
| HN1.7 Holywell Road /Green Lane Ewloe 298 units | DCWW | Queensferry | | <p>A water supply can be provided for this site.</p> <p>A Hydraulic Modelling Assessment (HMA) will be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages. The findings of the HMA would inform the extent of any necessary sewerage upgrades, which can be procured via the requisition provisions of the Water Industry Act 1991 (as amended).</p> <p>Potential developers need to be aware that this site is crossed by a sewer and an easement width would be required which may impact upon the housing density achievable on site.</p> <p>The proposed growth being promoted for the Queensferry Wastewater Treatment Works (WwTW) catchment would require improvements which would need to be funded through our Asset Management Plan (AMP) or potentially earlier through developer</p> | No change |

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| | | | | contributions. | |
| HN1.8 Ash Lane, Hawarden. 288 units | DCWW | Queensferry | | <p>A water supply can be provided for this site.</p> <p>A Hydraulic Modelling Assessment (HMA) will be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages. The findings of the HMA would inform the extent of any necessary sewerage upgrades, which can be procured via the requisition provisions of the Water Industry Act 1991 (as amended).</p> <p>The proposed growth being promoted for the Queensferry Wastewater Treatment Works (WwTW) catchment would require improvements which would need to be funded through our Asset Management Plan (AMP) or potentially earlier through developer contributions.</p> | No change |
| HN1. 9 Wrexham Road HCAC 80 units | Hafren Dyfrdwy | Hope | Potential Sources of Funding is from Site developers | Welsh Water has made representations on this proposed site through planning application 058163. Welsh Water does not supply water to this area. | No change |

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|---|----------------|------|--|---|-----------|
| | | | and/or Hafren Dyfrdwy Short-Long (to 2028). Dependent on delivery of development, and/or Hafren Dyfrdwy investment programmes AMP7 (2020-2025); AMP8 (2025-2030 | The public sewerage network can accept potential foul flows from this development site. Hope Wastewater Treatment Works (WwTW) can accommodate foul flows from the proposed development site. Drinking water supply provision through possible upgrading of existing water treatment works or off site infrastructure to increase capacity to accommodate growth as required. Also possible changes to existing assets where required if running through development sites. | |
| Housing Allocations Tier 3 Sustainable Settlements | | | | | |
| HN1. 10 Cae Isa A5119, New Brighton | DCWW | Mold | | Welsh Water has made representations on this proposed site through planning application 060220. Potential developers need to be aware that this site is crossed by sewers and an easement width would be required which may impact upon the housing density achievable on site. | No change |
| HN1.11 | DCWW and HD | Hope | | This site has planning permission and we have no further comment to make. Welsh Water made representations | |

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|---|-------------------|-------------|--|--|-----------|
| Chester Road Penymynydd 186 units | | | | on this site through planning application 055590. | |
| Gypsy and Traveller Site Allocations | | | | | |
| HN8.1 Magazine Lane Ewloe | DCWW | Queensferry | | This site has planning permission and we have no further comment to make. Welsh Water made representations on this site through planning application 050463. | No change |
| HN8. 2 Gwern Lane Cae Estyn Hope | Hafren Dyfrdwy | Hope | Potential Sources of Funding is from Site developers and/or Hafren Dyfrdwy Short-Long (to 2028). Dependent on delivery of development, and/or Hafren Dyfrdwy investment programmes AMP7 (2020-2025); AMP8 (2025-2030) | <p>Welsh Water does not supply water to this area.</p> <ul style="list-style-type: none"> • The public sewerage network can accept potential foul flows from this development site. • Hope Wastewater Treatment Works (WwTW) can accommodate the foul flows from the proposed development site. <p>Drinking water supply provision through possible upgrading of existing water treatment works or off site infrastructure to increase capacity to accommodate growth as required. Also possible changes to existing assets where required if running through development sites.</p> | No change |
| HN8.3 | DCWW | Queensferry | | A water supply can be provided for this site. | No change |

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|--|------|-------|--|--|-----------|
| Riverside Queensferry | | | | <p>The public sewerage network can accept potential foul flows from this development site.</p> <p>The proposed growth being promoted for the Queensferry Wastewater Treatment Works (WwTW) catchment would require improvements which would need to be funded through our Asset Management Plan (AMP) or potentially earlier through developer contributions.</p> <p>The site is located in close proximity to Queensferry WwTW and the LPA may wish to contact their Environmental Health Department for their views on whether there is the potential for odour nuisance on the proposed allocation.</p> | |
| HN8.4 Castle Park Industrial Estate Flint | DCWW | Flint | | <p>A water supply can be provided for this site.</p> <p>The public sewerage network can accept potential foul flows from this development site.</p> <p>Flint Wastewater Treatment Works (WwTW) can accommodate the foul flows from the proposed development site.</p> | No change |
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