

Northern Ireland Water
Westland House
Old Westland Road
Belfast
BT14 6TE
www.niwater.com



Omagh and Fermanagh District Council,
Planning Department,
Strule House,
16 High Street,
Omagh,
BT78 1BQ

Date: 21 December 2018

developmentplan@fermanaghomagh.com.

Dear Sir / Madam,

Comments on the Fermanagh & Omagh District Council LDP Draft Plan Strategy

Thank you for the opportunity to review and comment on the content of the Fermanagh & Omagh LDP Draft Plan Strategy. NI Water has a number of comments to make on it. In particular, it is concerned that there may be a risk of the Plan being unsound when assessed against the soundness tests:

Soundness Test: C1 Did the Council take account of the Regional Development Strategy (RDS)?

Justification: Table 3.2 on page 44 of the Regional Development Strategy 2035:

The Housing Evaluation Framework within the RDS states that 'a Resource Test must be carried out to identify physical infrastructure such as water, waste and sewerage, including spare capacity as part of the Council's assessment of the potential location for new housing.'

NI Water Commentary.

Sound infrastructure is necessary to underpin growth in the Council's Development Plan. It is the resilience of the wastewater infrastructure with respect to the growth aspiration in the Development Plan, outside of the major settlements, that is of concern. Currently there are existing wastewater capacity issues in terms of treatment works serving villages and small settlements.

The Draft Plan shows the projected increase in housing in a number of towns within the Spatial Strategy Map. However, it does not identify other smaller villages or small settlements which are predicted to grow and which may have capacity constraints. This issue must be considered in more detail in the Plan as wastewater system capacity (treatment works and sewer networks) should be a key consideration when zoning land for development.

Given the long standing public expenditure constraints affecting wastewater infrastructure investment in Northern Ireland it is apparent that NI Water will require business plan funding significantly above its current level to address existing and future wastewater capacity requirements in the Fermanagh and Omagh District Council area (and elsewhere in Northern Ireland).

NI Water has provided Fermanagh and Omagh Council with capacity information for wastewater treatment (and where available their associated networks) for informing the F&O Council's Local Development Plan. The Council's Draft Plan Strategy was published for consultation on 26th October 2018 and used information provided in 2016. This information should have been replaced with the updated wastewater system capacity information provided by NI Water in 2017 and in 2018.

Soundness Test: C3 Did the Council take account of policy and guidance issued by the Department?

Justification: NI Water (and the Department for Infrastructure (DfI)) has previously met with relevant Council officials and presented current policy and legislation on Sustainable Drainage Systems (SuDS), and information on Wastewater treatment system capacity constraints. These have not been adequately represented in the Plan.

Draft Policy FLD03 – Sustainable Drainage Systems (SuDS) (Page 155)

Policy States: *'Development proposals for major applications and/or for development on land which is identified as being at risk to surface water flooding must include proposals for Sustainable drainage Systems.'*

Paragraph 6.13 (Page 155) – NI Water welcomes the inclusion of maximising attenuation of stormwater as close as possible to source. The Water and Sewerage Services Act (Northern Ireland) 2016¹ gives NI Water the power to refuse a connection to the public sewer network if other alternatives have not been considered. If a developer wishes to obtain a connection to the public sewer network, he/she must also engage with NI Water² having considered the use of SuDS.

Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006 states that developers are also required to enter into an agreement to have their infrastructure (including hard SuDS like oversized pipes and attenuation tanks) adopted by NI Water if it conforms to its adoption standards. NI Water offers a Pre Development Enquiry³ service where developers can discuss the requirements of the development, including the inclusion of SuDS, with the company before submitting a

¹ <https://www.legislation.gov.uk/nia/2016/7/contents>

² <https://www.niwater.com/services-for-developers/>

³ https://www.niwater.com/sitefiles/resources/developers%20services/dsge%20general/pde_guidance.pdf

formal application. SuDS, therefore, should be considered for all and not just for major developments.

It is unclear what the definition is for a 'major development' within the Plan. Is there a size of development which the Council considers to be 'major' other than those which it has previously defined as 'regionally significant' under Section 26 of the Planning (NI) Act 2011 (the Act)?

NI Water suggests that in the SuDS policy the word "must" be replaced with "where appropriate" as there may be some circumstances where it may not be possible to include SuDS within the drainage layout.

Paragraph 6.14 (Page 156) – SuDS systems can also incorporate traditional piped drainage, for instance by using oversized pipes with flow control.

Paragraph 6.15 (Page 156) – This paragraph lists a number of types of SuDS. It, however, should also include oversized pipes with flow control and (underground) attenuation tanks which are both SuDS and which are adoptable by NI Water.

Paragraph 6.15 (Page 156) – NI Water agrees and suggests that the Council maximise the potential source control of SuDS by encouraging SuDS which would be contained within individual households, including green roofs, soakaways, water butts and permeable paving. These systems can help in reducing peak water flows of stormwater and can be maintained by the householder.

Paragraph 6.16 (Page 156)– The policy states that 'the Council must be satisfied that suitable arrangements are in place with regard to long-term management and maintenance of infrastructure on which mitigation depends'. It is assumed that this refers to SuDS. Does this mean that if a maintenance agreement is not included, the Council will not approve the application? How will the Council confirm the correct maintenance plan is in place for infrastructure SuDS? Will it require this as a planning condition of a site?

NI Water strongly recommends that Council promotes the use of SuDS within Public Realm Schemes and other Streetscape improvement schemes in order to improve the resilience of existing drainage systems as SUDS attenuates stormwater and thereby mitigates its effects on drainage network capacity.

Soundness Test: C3 Did the Council take account of policy and guidance issued by the Department?

Draft Policy WM02 – Waste Water Treatment Works (Page 175)

Policy States: *Development proposals for new or the upgrading/extension of existing Waste Water Treatment Works (WWTWs) will be permitted where it has been demonstrated that there is a need for the facility/extension and it meets the criteria in draft policy Wm 01.*

Justification: On several occasions since 2016 NI Water has issued Council with data relating to the treatment headroom capacity at its wastewater treatment works (WwTW) sites (>250 pe) within the Council's area. In addition senior Planning staff have met with Council Planners to discuss WwTW capacity and agreed on estimations of future capacity based on growth projections (3%, 10% and 17%).

However, the WwTW capacity information that Council has included in its Draft Plan Strategy, particularly within its supporting Public Utilities paper is not up-to-date and relates to the capacity assessment provided in 2016. Consequently, capacity constraints are not adequately included within the LDP.

Other NI Water comments on the Plan relating to wastewater are as follows:

Draft Policy PU04 –Development Relying on Non-Mains Sewerage (Page 171)

Policy States: Development proposals will only be permitted for development relying on nonmains sewerage, where the applicant can demonstrate through the submission of sufficient information on the means of sewerage, that this will not create or add to a pollution problem.

Non-mains sewerage will only be permitted in those areas identified as having a pollution risk in exceptional circumstances where appropriate mitigation measures have been identified.

This policy is of concern because of the Policy Clarification provided:

Policy Clarification 6.60.

New development relying on non-mains sewerage may, individually or cumulatively, increase the risk of pollution. It is therefore important to protect water resources from the actual or potential polluting effects of onsite treatment plants. As such, the Council's preferred option for non-mains sewage is a package Sewage Treatment plant as this is considered to be a more effective system in treating sewage and thus reducing the risk of pollution.

Justification: The concern is raised as should a package sewage treatment plant serve two properties or more then these package plants may be offered to NI Water for adoption. However, the package plants would need to comply with NI Water standards and provide treatment to the required NIEA consent as demonstrated by 12 months of monitoring data. The issues are the potential effects of this policy with regard to its sustainability and impact upon NI Water's already constrained funding model i.e. the potential addition of further small wastewater assets for management by NI Water.

Draft Policy WM03 - Developing in the vicinity of Waste Management Facilities (Page 175)



Policy States: Development in the vicinity of existing or approved waste management facilities and WWTWs will only be permitted where;

- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

Justification: The principle issue here is the compatibility of development in proximity to these facilities. NI Water will advise through planning consultation – both site assessments for the next phase of LDP and through day-to-day planning applications/Pre-Development Enquiries (PDEs) – whether a proposal lies within an Odour Consultation Zone. The purpose of this zone is to trigger a proportionate assessment of odour nuisance risk and may or may not involve dispersion modelling. NI Water will object to development proposals within Odour Consultation Zones unless an appropriate evidence based odour assessment determines low risk at critical receptors.

The size of an Odour Consultation Zone is a function of the wastewater treatment works design capacity and describes an offset from the wastewater treatment works perimeter boundary. No pictorial data has been provided to date but this is possible. An actual limit of development encroachment may only be provided subsequent to completion of an odour risk assessment.

Please contact either myself or Marie McCartney (Senior Planner; [REDACTED]) should you wish to discuss NI Water's response to the Fermanagh and Omagh Draft Plan Strategy.

Yours sincerely,

[REDACTED]
Dr Stephen Blockwell

Head of Investment Management
Asset Delivery Directorate
[REDACTED]



