

**Statement of Common Ground between Oxford City Council,
the Environment Agency and Thames Water**

Submission Draft (Regulation 19) Oxford Local Plan 2040

March 2024

1.0 Introduction

1.1 This Statement of Common Ground (SoCG) has been prepared between Oxford City Council, the Environment Agency and Thames Water in support of the new Local Plan 2040. The SoCG reflects and confirms the current position as agreed by the three parties in relation to issues of wastewater treatment provision for the city in the context of current and future planned growth associated with the Local Plan.

1.2 The SoCG is provided without prejudice to other matters that the parties may wish to raise. The area covered by the Statement is Oxford, which is the area covered by the Local Plan. Where matters arise that are cross-boundary, the Council is also working with its neighbouring local authorities and other SoCGs have been prepared on cross boundary matters.

2.0 Background and duty to cooperate

2.1 In late 2023, Oxford City Council undertook Regulation 19 consultation on its proposed Submission Draft Local Plan and supporting evidence base which it proposed to submit for examination to Central Government in early 2024. As per the relevant legislation/regulations, this version of the Local Plan was one that the City Council considered to be 'sound' for adoption, meeting the specific requirements for soundness as are outlined in the National Planning Policy Framework.

2.2 The City Council has had ongoing engagement with members of Thames Water who are responsible for providing wastewater treatment to the city. In drafting the Local Plan 2040 the Council has also engaged regularly with the Environment Agency, who are responsible for a range of environmental quality and safety considerations including flood risk, water quality and biodiversity.

2.3 Feedback from Thames Water in their representations to date have not identified significant concerns arising from the performance or capacity of their existing infrastructure in the context of the development being planned for as part of the Local Plan 2040, although localised capacity issues were flagged on a number of the site allocations that would need to be addressed through early engagement from developers during the planning process.

2.4 The Environment Agency, in their representations to the Regulation 19 consultation, indicated major concerns in relation to water quality and the impacts of the implementation of the plan in relation to new development on the water environment. A key element of their representations was in relation to the analysis presented in the Water Cycle Study and particularly concerns about historic and ongoing performance issues at the Oxford Sewage Treatment Works (STW), including doubts about its capacity for accommodating new connections in future. As a result, the Environment Agency find the plan unsound on the basis of it not being: Justified, Effective or Consistent with national policy.

2.5 Through subsequent discussions following up on the Regulation 19 consultation, the City Council has further explored the concerns flagged by members of the EA team in order to seek to resolve these, either through additional clarification on key issues or via minor/main modifications to the Local Plan where necessary. Given the differences between the representations from the EA and Thames Water, the City Council considered it prudent to start a conversation between all the parties involved.

2.6 An initial meeting was organised by the City Council in order to bring representatives of Thames Water and the Environment Agency together to engage on these key concerns and discuss ways forward to overcome these issues. It is envisaged that this will be the first of ongoing tripartite meetings that will continue beyond the submission of the Local Plan.

3.0 Water quality and wastewater treatment at present

3.1 There have been ongoing water quality issues in waterbodies across the city, particularly in relation to Northfield Brook and the Thames. Some of the water quality issues are influenced by factors outside of the development control process, for example agricultural run-off, and these are therefore largely outside of the Local Plan 2040's direct influence. Some of the water quality issues are caused by impacts that are influenced by the built environment, including levels and quality of surface water run-off into waterbodies as well as wastewater discharges related to numbers of dwellings/buildings connecting into sewer networks and these are more directly influenced by planning policies, though to varying degrees.

3.2 Another important factor in mediating development's influence on the water environment is the performance of the wastewater treatment infrastructure over which Thames Water have responsibility. Thames Water's network services existing and future development by taking wastewater and processing this within the parameters set by bodies such as the Water Services Regulation Authority (Ofwat) and the Environment Agency. The Environment Agency also have an important influence over the water environment by setting the regulatory limits under which Thames Water can operate via the permits it issues for wastewater discharges into water bodies.

3.3 The discussion between the three parties identified two key considerations that need to be addressed. The first is the current situation—the performance of wastewater infrastructure in relation to existing development at present and any subsequent impacts on the water environment they are having. The second is the future situation—the performance and capacity of wastewater infrastructure in the context of the future development aspirations set out in the Local Plan 2040.

3.4 The City Council has a role in ensuring new development meets the standards required through the Local Plan 2036. Equally, water and sewerage companies have a duty to provide public sewers and generally, new development has the right to connect into the public sewer – although there can be a charge for this. After Thames Water facilitate connection into their network, including any infrastructure upgrades necessary, the issue then becomes one of regulation and compliance between Thames Water and the Environment Agency. Thames Water is permitted to operate the Oxford STW within certain parameters and must meet strict conditions. The Environment Agency has responsibilities to review permits, monitor compliance and have powers to take enforcement action. A permit can be revoked at any time should the operator fail to comply with the conditions of their permit.

3.5 In relation to the new Local Plan 2040, this needs to accommodate sufficient allocations of sites to meet the city's housing and employment needs in order to support the growth of the city up to and beyond 2040. The parties agree that alongside this consideration, the Local Plan also needs to make sufficient provision for the infrastructure necessary to support that growth, as well as setting out a strong framework of policies that ensure high quality design and protection/enhancement of different elements of our natural environment. There are several levers which the Local Plan can enable in support of water quality and wastewater provision:

- Strategic policies which address various requirements in new development such as:
 - provision of high-quality SuDS;
 - support water conservation via water use limits and other water efficient design measures;
 - protect waterbodies from impacts of new development – particularly sensitive ecological sites.
- Identify site-specific constraints and infrastructure needs via specific wording as part of site allocation policies to ensure these are appropriately considered by applicants alongside the overarching strategic policies.
- Identify key infrastructure needs via the accompanying Infrastructure Delivery Plan and secure contributions that can support the provision of these measures via developer contributions.

3.6 The Council considers that the issues of water quality and wastewater discharge cannot be addressed by the Local Plan alone, and that an upgrade of the existing infrastructure is required to help provide additional capacity and address the existing environmental issues and reduce incidents of discharge into the waterbodies. Thames Water have reiterated strongly that the future investments in Oxford's wastewater treatment infrastructure that are needed in order to meet demand and mitigate impacts upon the water environment is an important priority for their organisation.

3.7 Thames Water is currently in the final stages of the assessment informing the future investment needs for capital infrastructure across its region up to 2041. Plans for Oxford Sewage Treatment Works are in progress, with Thames Water seeking to allocate sufficient funding to undertake appropriate upgrades, however, the precise detail of these works will not be ready to be announced until after the Local Plan's submission as they are still subject to internal review as well as a wider review by OfWAT.

4.0 Summary of respective positions and future joint working

4.1 The discussions between the three parties have already identified some areas of common ground where all parties can agree. The first is the recognition by all parties of the importance for Oxford City Council to deliver a sound plan, within the prescribed timeframes. The second is that Thames Water has committed to the delivery of a scheme to address issues relating to statutory compliance and meeting its duty in relation to new development. The third is an ambition from all parties to work together to satisfactorily resolve the issues set out in this statement in a timely manner.

4.2 The parties are committed to working positively together, sharing information and best practice, and continuing to engage with one another through the examination process and beyond.

Signed on behalf of Oxford City Council



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Date: 28 March 2024

Signed on behalf of Thames Water

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