STATEMENT OF RESPONSE

JBA Project Code	2024s1883
Contract	Surrey Heath Local Plan hearing support
Client	Surrey Heath Borough Council
Day, Date and Time	02 October 2025
Author	Paul Eccleston
Reviewer / Sign off	Dylan Nattrass
Subject	Statement of response to representations from the Environment Agency (REP1A and REP1B) and Thames Water (REP3)

1 Introduction

JBA Consulting prepared the Water Cycle Study (WCS) and Strategic Flood Risk Assessment (SFRA) for the Surrey Heath Local Plan, and have been commissioned by Surrey Heath Borough Council (SHBC) to provide technical support regarding matters relating to flood risk and water management during the Examination in Public (EiP) process.

SHBC have received representations from the Environment Agency regarding wastewater treatment capacity at Camberley and Lightwater wastewater treatment works (WwTW), both managed by Thames Water. In response, Thames Water issued an update on wastewater infrastructure. The three representation documents are published on the Local Plan examination website at the links below:

- REP1A - Note regarding Water Quality Risks due to Wastewater Capacity Pressures related to the Lightwater Sewerage Treatment Works
- REP1B - Note regarding Water Quality Risks due to Wastewater Capacity Pressures related to the Camberley Sewerage Treatment Works
- REP3 - Wastewater Infrastructure Update

This document forms a statement of response to these representations.

Within this statement, documents are referenced using the references assigned in the Local Plan Examination website[1], e.g. REP1A, SHBC19 etc.

2 Summary of representations

2.1 REP1A – Environment Agency, Lightwater WwTW

- The Environment Agency representation for Lightwater WwTW refers to the requirement, under the Water Environment (Water Framework Directive) Regulations 2017, for water bodies not to deteriorate and to achieve 'Good Status' by 2027. It points out that local planning authorities must have regard for

1 https://www.localplanservices.co.uk/shlocalplanexamination

River Basin Management Plans and that, following the National Planning Policy Framework (paragraph 187) planning policies and decisions should prevent unacceptable levels of water pollution.

- The EA are aware, through their regulatory duties, that Lightwater WwTW exceeded its dry weather flow (DWF) permit in 2021, 2023 and 2024. The DWF permit sets the maximum volume that may be discharged for 80% of the time, and is designed to protect the environment and avoid deterioration. Where permits are exceeded there is a significant risk of deterioration under the Water Environment Regulations.
- Lightwater also exceeded its permitted flow when measured at the 90th percentile, the measure used by the EA for testing compliance. They note that "consistent exceedance at Q80 highlights the need for an updated DWF permit with tighter conditions to protect the environment."
- Considering the Local Plan, they state that cumulative impact assessment of increased wastewater discharges is required to ensure that there is sufficient wastewater treatment capacity to serve the plan, and also required to inform the Strategic Environmental Assessment (SEA).
- Reference is made to the February 2025 Water Cycle Study (SHBC7 - Water Cycle Study - Stage 2) and the capacity issues identified at Lightwater WwTW. No reference is made to the water quality assessment in the WCS, however they state, "should this (the WCS) identify risk that environmental objectives will not be met, the LPA should liaise with Thames Water to understand when improvement works will be undertaken."
- The EA recommend, as next steps, that the cumulative impact of growth is assessed, using a projection of future Q80 and Q90 flows from Thames Water. If this confirms a lack of capacity at Lightwater, Thames Water would need to demonstrate their plans for increasing capacity.

2.2 REP1B – Environment Agency, Camberley WwTW

- This representation follows a similar form to REP1B, therefore only the significant differences are summarised here.
- Camberley WwTW exceeded its Q80 DWF and Q90 compliance flow in 2023 and 2024.
- Camberley WwTW also serves some settlements in Hart District. Therefore the cumulative impact in both Surrey Heath and Hart should be assessed.

2.3 REP3 – Thames Water - Wastewater Infrastructure Update

Thames Water provided this document in response to the Environment Agency's representations.

- Within their current business plan period, AMP8, running from 2025 to 2030, Thames Water have planned upgrades at both Lightwater and Camberley WwTWs, both expected to complete around 2028. These “will improve the ability to treat the volumes of incoming sewage and reduce the need for untreated discharges in wet weather”. They will not increase the volumetric capacity above the existing permitted dry weather flow (DWF) at either works.
- Further works to upgrade the capacity of both works are programmed for AMP9 (2030 to 2035).
- The Surrey Heath Water Cycle Study Stage 2 (SHBC7) is acknowledged, Thames Water stating that they have no reason to refute the conclusions of the water quality modelling. On this basis, Thames Water assess that the SHBC Local Plan would not “contribute to unacceptable levels of water pollution.”

3 Response to representations

3.1 Approach

The representations from the Environment Agency are primarily focussed on the requirement of the National Planning Policy Framework 2024 (NPPF) paragraph 187 to make planning policies and decisions which prevent new and existing development from unacceptable levels of water pollution. The Local Plan is being examined under NPPF 2023, in which paragraph 180 is relevant in this respect. To address this matter, we have reviewed the Local Plan evidence base and accompanying documents to assess:

- To what extent has SHBC sought to identify capacity issues in wastewater infrastructure, and to communicate these to the Environment Agency and Thames Water?
- What contribution will the Local Plan policies make to the exceedance of capacity at Camberley and Lightwater WwTW?
- Has sustainable growth been promoted in the Local Plan?
- Will the Local Plan growth lead to an unacceptable level of water pollution?

3.2 To what extent has SHBC sought to identify capacity issues in wastewater infrastructure, and to communicate these to the Environment Agency and Thames Water?

- SHBC commissioned JBA Consulting to prepare a Water Cycle Study (SHBC7) to contribute to the Local Plan evidence base. Whilst not a statutory document, the Environment Agency encourage LPAs to undertake WCSs “to make sure their plans are sound … they help you (the LPA) identify what you need to do to

make sure strategic plans and new developments meet our (the EA) expectations."[2]

- The WCS recognises the existing capacity issues at Camberley and Lightwater, and acknowledges that the upgrade works planned for 2028 delivery will not increase the volumetric capacity of these works beyond their existing DWF permits. It concludes that capacity upgrades are likely to be required to accommodate all growth within the Local Plan.
- Both the EA representations (REP1A, REP1B) and Thames Water (REP3) acknowledge the value of Water Cycle Studies in evidencing available wastewater capacity and the impact of growth on water quality.
- The Environment Agency and Thames Water assisted the preparation of the WCS, by providing data and by reviewing the draft report.
- SHBC and the EA have agreed a Statement of Common Ground (SHBC19), which includes documentation of the previous communications between SHBC and the EA. It is acknowledged that the Environment Agency provided feedback on 12th June 2025 on the water quality modelling methodology for consideration in future updates of the WCS (see section 0 below for further consideration of this point).
- *Given this, SHBC has demonstrated leadership by quantifying the issue of exceedance of the flow permits and has maintained effective cooperation (NPPF paragraph 25) by communicating this with the organisation with primary responsibilities for providing wastewater services (Thames Water) and their environmental regulator (Environment Agency).*

3.3 What contribution will the Local Plan policies make to the exceedance of capacity at Camberley and Lightwater WwTW?

The WCS has undertaken a cumulative impact assessment of the capacity of wastewater infrastructure using a forecast of growth both within SHBC and within neighbouring authorities which could connect to treatment works serving Surrey Heath. This growth forecast includes allowances for recent completions in 2024, commitments, allocations and windfall. The growth forecast was then used to calculate a future increase in demand for water and wastewater capacity. This is reported in section 2.4 pages 31-33 of SHBC7.

The forecast growth in wastewater demand was assigned to the three treatment works, using mapping of the sites alongside Thames Water mapping of the existing areas served by each works. This forecast of growth to the end of the Local Plan period (2038) was used to inform the wastewater treatment capacity assessment and water quality modelling.

The growth data used in the WCS has been further analysed to identify the extent to which planned growth contributes to the flow exceedance at Camberley and Lightwater, and this

2 https://www.gov.uk/guidance/water-cycle-studies

is illustrated in the graphs below. Figure 3-1 and Figure 3-3 use a zero origin Y (vertical) axis, illustrating the relatively small changes to wastewater flows that will result from the planned growth. Figure 3-2 and Figure 3-4 zoom in on the Y axes, to more clearly show the relative contributions of completions, commitments, allocations and windfall. From these graphs we can conclude that:

- The forecast wastewater contribution to 2038 from Local Plan allocations are a very small proportion of the current flow permits at Camberley WwTW (3%) and Lightwater WwTW (1%).
- The flow contribution from all growth to 2038 is less than the existing level of flow exceedance at these works (based on 2022-2024 observed flows).
- The present-day exceedance of environmental permits is a serious issue for Thames Water and for the environmental regulator the Environment Agency. However, any exceedance up until the planned capacity upgrade of these treatment works between 2030 and 2035 is largely as a result of historic failures to plan for growth and potentially on other factors such as groundwater infiltration into sewers. Growth proposed within the Local Plan will make a small addition to this exceedance, but it is not the root cause of the flow exceedance.
- The NPPF (paragraph 194) states that “the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.” The volumetric discharge of wastewater treatment works is one such emission which is subject to a separate pollution control regime, namely The Environmental Permitting (England and Wales) Regulations 2016.

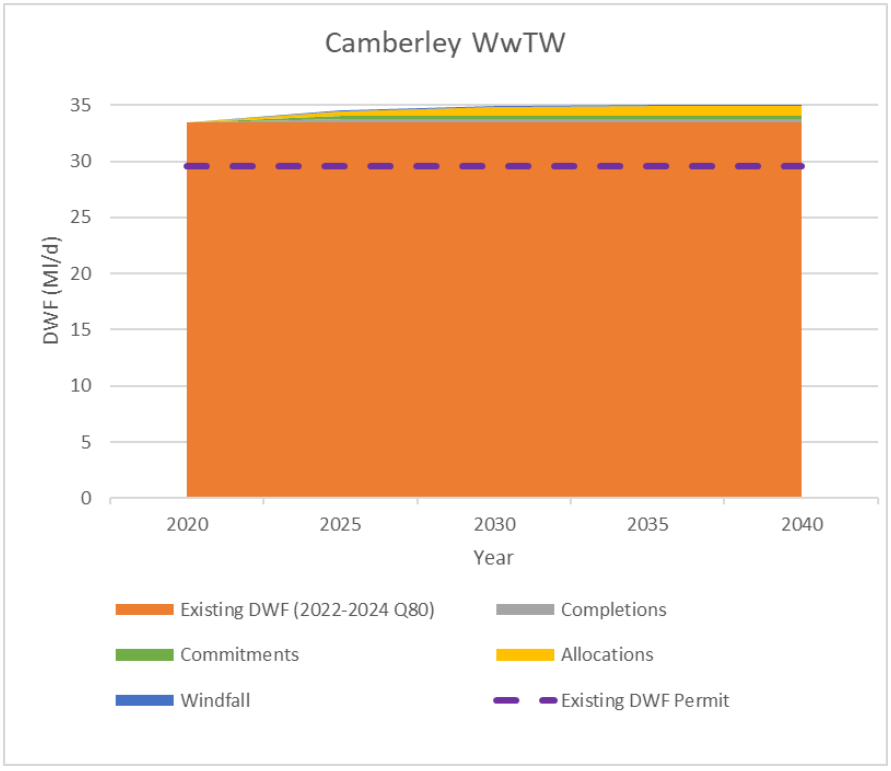

Figure 3-1: Contribution of growth to wastewater flow at Camberley WwTW (zero origin)

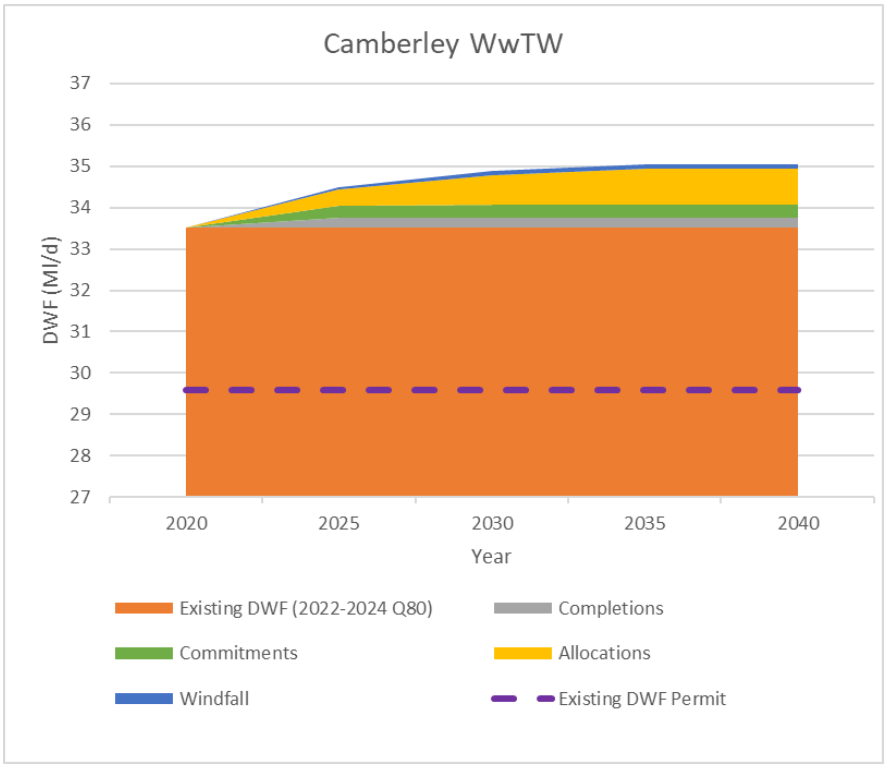

Figure 3-2: Contribution of growth to wastewater flow at Camberley WwTW (zoomed-in)

Figure 3-3: Contribution of growth to wastewater flow at Lightwater WwTW (zero origin)

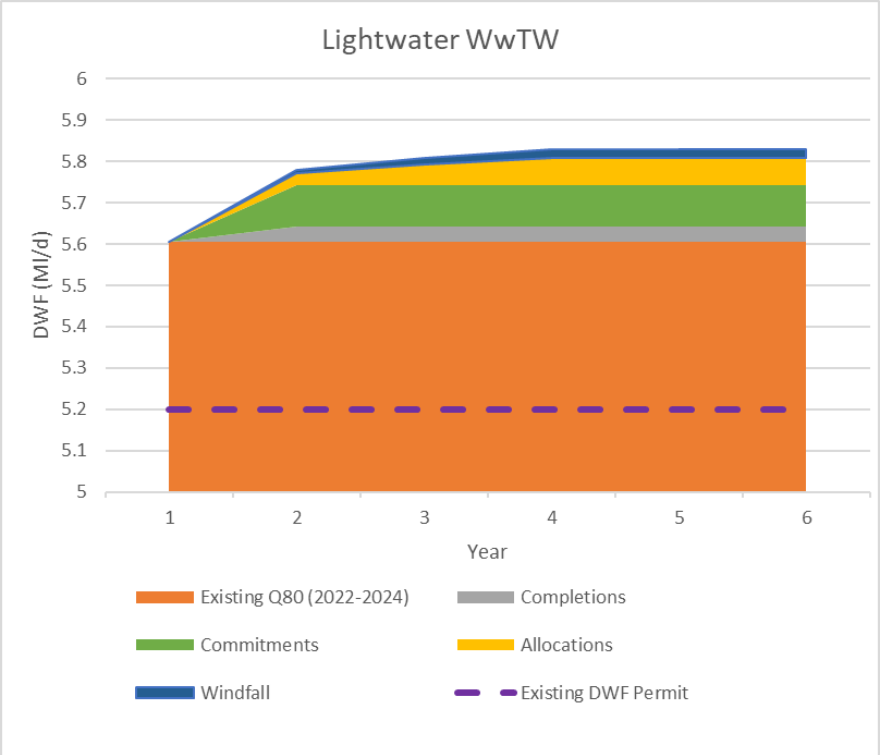

Figure 3-4: Contribution of growth to wastewater flow at Lightwater WwTW (zoomed-in)

The Environment Agency state that the cumulative impact assessment should be supported by Thames Water's predictions of future 80th percentile (Q80) and 90th percentile (Q90) flows at Camberley and Lightwater WwTWs. Whilst water companies are required to undertake such assessments as part of their asset management plans, these are not usually provided to LPAs or to consultants preparing water cycle studies. They also tend to be undertaken as part of the company's 5-year planning cycle, so up-to-date assessments may not always be available to align with Local Plan timescales. For this reason, the WCS (SHBC7, section 2 pages 26-33) includes an independent assessment of growth and a forecast of water and wastewater demand, using the most up-to-date data available from SHBC, neighbouring authorities and Thames Water. Consequently, we consider that the growth forecast used in the cumulative impact assessment is appropriate. Nevertheless, should Thames Water provide its own forecast to SHBC, this will be tested in any future update to the water cycle study.

3.4 Has sustainable growth been promoted in the Local Plan?

SHBC has demonstrated through the Local Plan evidence base and supporting documentation that it has quantified the issue of wastewater treatment capacity and maintained effective cooperation with Thames Water and the Environment Agency. Thames Water has duties under the Water Industry Act 1991 to provide wastewater collection and treatment, and the Environment Agency regulates Thames Water's discharges, primarily through the Environmental Permitting (England and Wales) Regulations 2016. Funding for the upgrade of wastewater treatment infrastructure is planned for and provided through water company regulated business plans, and is therefore separate from the planning system.

During the preparation of a Local Plan, where the evidence indicates that there is more available capacity for growth in the catchment of particular treatment works, it may be more sustainable to direct growth towards these settlements (although this is only one of multiple infrastructure capacity issues that Local Plans are required to have regard to). In the case of Surrey Heath, there are only three treatment works serving the borough, and the third, Chobham, is also acknowledged (SHBC7, SHBC19) to have capacity issues. With no treatment works within the Borough having significant spare capacity available, it would not have been possible for the LPA to direct growth towards areas with wastewater treatment capacity. Consequently, the assessment of whether the Local Plan promotes sustainable growth depends upon the water quality impact assessment, as there is no 'more sustainable' location in the borough from the singular perspective of wastewater treatment capacity.

3.5 Will the Local Plan growth lead to an unacceptable level of water pollution?

The WCS includes an assessment of the impact of the planned growth on water quality. This assessment was made by comparing the water quality in the baseline scenario (2024)

with the future scenario at the end of the Local Plan period (2038). The assessment followed a methodology that has been developed by JBA Consulting, with input from the Environment Agency. This method has been applied to numerous water cycle studies in other parts of England, several of which formed part of the evidence base of Local Plans which are now adopted. The method assesses cumulative impact by including all sources of growth, including development outside of Surrey Heath but which will connect to wastewater catchments serving Surrey Heath. Furthermore, following initial feedback from the Environment Agency, the modelling included a 20% allowance from growth in flows from treatment works discharging to the River Blackwater upstream of Surrey Heath. This is significantly greater than the percentage increase in flows forecast at Camberley and Lightwater WwTWs, and is therefore considered a precautionary assumption.

The water quality assessment (SHBC7, Table 8-2, pages 131-132) concluded that, assuming no change to the standard of treatment, there would be no deterioration in water body class, and no deterioration of greater than 10% in the concentrations of ammonia, phosphate and biochemical oxygen demand (BOD). These two tests are based on Environment Agency guidance[3] for assessing no-deterioration with respect to sanitary determinands. Additionally, the water quality assessment looked at whether environmental capacity could be a constraint to growth, focussing on whether growth could prevent 'Good Ecological Status' (GES) being achieved (SHBC7, Table 8-3, pages 132-133). The conclusion of this assessment was that growth alone would not prevent GES being achieved.

On the basis of the results of these tests, we conclude that the Local Plan would not lead to a deterioration in water quality as a result of increased wastewater discharges, and consequently, in line with paragraph 180e of NPPF 2023 of the NPPF, would not cause unacceptable levels of water pollution.

As noted in SHBC19, the Environment Agency, in their email of 12/06/2025, requested that any further water quality modelling should also include an update of the water quality models to include the latest observed water quality arising from treatment works. We have not previously included this within the water quality assessment, mainly because this may then require a wholesale recalibration of the model. As a matter of proportionality, we consider that it is for the Environment Agency, and not individual Local Authorities, to maintain up-to-date water quality models. Nevertheless, it is acknowledged that this will be included in any future updates to the WCS.

The water quality assessment found no deterioration as a result of all growth to 2038, whereas it is acknowledged by Thames Water that there will need to be a scheme to upgrade capacity and revise permits at Camberley and Lightwater between 2030 and 2035. Consequently we consider that the assessment includes some cautious assumptions, and

3 Environment Agency (2012) Water quality planning: no deterioration and the Water Framework Directive

that it is reasonable to conclude that the Local Plan will not lead to unacceptable levels of water pollution, so long as Thames Water and the Environment Agency agree appropriate changes to environmental permits which are implemented between 2030 and 2035.

4 Conclusions

We conclude that:

- The Local Plan evidence base has already assessed the cumulative impact of planned growth to water quality resulting from increased discharges at Camberley, Lightwater and Chobham WwTWs. This has included planned development in neighbouring authorities also connecting to these works, and also included a precautionary 20% allowance from growth in wastewater discharges upstream.
- The cumulative impact assessment is based on an independently prepared forecast of growth and of future water and wastewater demand, following a methodology which has been applied to numerous other water cycle studies, including for Local Plans which passed to adoption with no objections from the Environment Agency on this matter (e.g. Bracknell Forest Local Plan, adopted 2024[4], Crawley Local Plan, adopted 2024[5], and West Berkshire Local Plan Review adopted 2025[6]). Nonetheless, we would be prepared to assess a growth forecast prepared by Thames Water in a future update of the water cycle study.
- The cumulative impact assessment was based on growth projected to 2038, the end of the Local Plan period. Thames Water and the Environment Agency have stated that upgrades to expand the treatment capacity at Camberley and Lightwater are planned before this, between 2030 and 2035.
- The exceedance of the permitted dry weather flow limits at Camberley and Lightwater is not as a result of planning policy or planning decisions, but is a result of historic failures by Thames Water and their regulators to adequately plan for growth. This is an issue which is not limited to Surrey Heath or to Thames Water and has been identified in the recent Cunliffe Review[7]. Growth proposed within the Local Plan will make a small addition to this exceedance, but it is not the root cause of the flow exceedance.
- SHBC has considered sustainable growth in the context of directing growth towards settlements with greater available wastewater treatment capacity. With all three treatment works in the borough experiencing capacity issues, there is no

4 https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/development-plan/bracknell-forest-local-plan/about-bracknell-forest-local-plan
5 https://crawley.gov.uk/planning/planning-policy/local-plan/about-local-plan
6 https://www.westberks.gov.uk/article/40124/The-West-Berkshire-Local-Plan-Review-2023-to-2041-LPR
7 Independent Water Commission (2025) Final Report

‘more sustainable’ location for development within the borough, when considering wastewater treatment.

- Water quality modelling of the cumulative impact predicts that the increase in wastewater discharges as a result of planned growth at Camberley and Lightwater will not cause a deterioration as defined in Environment Agency guidance on the Water Framework Directive. Consequently the Local Plan is not predicted to cause unacceptable levels of water pollution as a result of increased wastewater flows.