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29 May 2026

RE: Examination of the East London Joint Waste Plan Hearing Statement prepared by Thames Water Utilities Ltd

Dear Thea L Davis and G J Fort,

This hearing statement is submitted by Thames Water Utilities Ltd (Thames Water) to respond to questions raised under Matter 5, Issue i and iii in the context of proposed Policies JWP3, JWP4 and JWP2B. For clarity, Thames Water submitted representations at the Regulation 19 stage in relation to the matters, issues and policies that have been responded to.

The hearing statement states the matter, issue and question that is being responded to and the 'Thames Water Representation' is clearly identified.

Thames Water Ltd do not intend to attend the Hearing Sessions.

Thames Water Ltd Hearing Statement

Matter 5 soundness and general conformity of the Plan's policies

Issue (i) Does the Plan seek to achieve well-design places in a manner that is justified, effective and consistent with national policy?

Question 2 - Are the sustainable construction aspects of Policy JWP4 in general conformity with Policy SI 2 of the London Plan in terms of offsetting?

Thames Water Representation

Thames Water maintain their previously submitted response regarding policy JWP4, which objects to the inclusion of the policy and requests its deletion from the draft JWP.

Question 3 - Is Policy JWP4 (A)(3) clear and would it be evident to a decision-maker how to react to development proposals?

Thames Water Representation

Thames Water previously made comments on Policy JWP4 and maintain that the policy duplicates local policy that is already in place, and more thoroughly covered, in the relevant borough Development Plans as well as in the overarching London Plan (2021), the NPPF and various environmental/building regulations.

As such, it is not clear what is meant by ‘appropriate level of protection’ under (A) (3) particularly in the context of wastewater treatment facilities which is covered by existing policy in place and regulated by other statutory and regulatory processes in place for the operation and provision of wastewater treatment facilities.

Thames Water therefore maintains that Policy JWP4 should be deleted for the reasons set out in the previous representations made on this policy.

Question 4 - Is Policy JWP4(A)(7) consistent with national policy relating to the conservation of the historic environment (in particular paragraphs 212 to 218 of the Framework)?

Thames Water Representation

Thames Water previously made comments on Policy JWP4 and maintain that the policy duplicates local policy that is already in place, and more thoroughly covered, in the relevant borough Development Plans, as well as in the overarching London Plan (2021), the NPPF and various environmental/building regulations.

The Thames Water response specifically referred to point A7 in previous representations. TW maintain that Policy JWP4 should be deleted for the reasons set out in the previous representations made on this policy.

Question 5 - Is Policy JWP4’s requirement relating to ‘Secure by Design’ principles justified given that the ‘Secured by Design’ document is not part of the adopted development plan? Does the wording given in 6.87 provide the basis for a main modification for any soundness deficiencies in these regards?

Thames Water Representation

Thames Water does not agree that it is justified for Policy JWP4 to include reference to Secure by Design if this policy is retained.

or instance, if Secure by Design is updated or deleted then this part of Policy JWP4 would not be effective or justified. Thames Water, maintain that Policy JWP4, in the context of wastewater facilities, is deleted as it unnecessarily duplicates national and local policy and therefore does not serve a clear purpose.

Question 7 - What soundness deficiency is suggested modification (see attached Schedule) SM6 intended to address?

Thames Water Representation

Thames Water do not agree with Main Modification SM6 in the context of Waste Water Treatment Works as it would duplicate local policy that is already in place, and more thoroughly covered, in the

relevant borough Development Plans, as well as in the overarching London Plan (2021), the NPPF and various environmental/building regulations.

Thames Water maintain that, in the context of wastewater facilities, Policy JWP4 is deleted as it unnecessarily duplicates national and local policy and therefore does not serve a clear purpose.

Further, as local plans are updated, the policy within JWP4 may become out of date and conflict with future local plan policy and is likely to create uncertainty when being applied alongside existing borough and London Plan policies that cover the same topics.

Matter 5 soundness and general conformity of the Plan's policies

Issue (iii) Would the Plan's policies be clear and unambiguous so it is evident how a decision-maker should react to proposals for development, and are their associated information or other requirements justified?

Question 1 - Paragraph 21 of the Framework expects plans to make explicit which policies are strategic policies – would suggested modification SM1 (see attached Schedule) achieve this?

Thames Water Representation

If all of the policies are to be strategic policies, then Policy JWP4: Design of Waste Management and Wastewater Treatment Facilities is considered to be more of a development management policy and therefore should be deleted.

Notwithstanding the above, the comments that Thames Water made at the Regulation 19 stage are still relevant. In the context of wastewater facilities, it is requested that Policy JWP4 is deleted as it unnecessarily duplicates national and local policy and therefore does not serve a clear purpose.

Further, as local plans are updated, the policy within JWP4 may become out of date and conflict with future local plan policy and is likely to create uncertainty when being applied alongside existing borough and London Plan policies that cover the same topics.

Question 9 - Is Policy JWP2B consistent with paragraph 16 of the Framework which expects that plans should contain policies that are clearly written and unambiguous, and that unnecessary duplication of policies that apply to a particular area should be avoided? How would the addition of the paragraph by way of suggested modification SM5 (see attached Schedule) address any soundness shortcomings in these regards?

Thames Water Representation

Thames Water support the new paragraph which follows Para 6.80 for the reasons set out in the representations submitted at the Regulation 19 stage and reiterate that this text is required to make the plan sound. The requirement for the technical assessment should be added to Policy JWP3 so that it meets the requirements of paragraph 16(d) of the Framework – contains policies that are clearly written and unambiguous.

For the avoidance of doubt, new paragraph 6.80 is to support the implementation of Policy JWP3 Prevention of Encroachment rather than policy JWP2B as referred to in the Inspector's question.

In addition, Thames Water support the new text in paragraph 6.72 ('Applications resulting in the loss of wastewater treatment capacity will need to demonstrate they accord with relevant strategic objectives of the development plan and would not undermine the implementation of the AMP process' as per SM5), but consider it should be included in policy JWP2B, not just the supporting text, so that

the Policy meets the requirements of paragraph 16(d) of the Framework – contains policies that are clearly written and unambiguous.

Further, in relation to Policy JWP2B Thames Water made representations at the Regulation 19 stage. Policy JWP2B has not been updated to reflect the comments made by Thames Water. The points that Thames Water made are still relevant and the modifications suggested by Thames Water should be made to make the policy clear and unambiguous i.e. to make the policy consistent with paragraph 16 of the Framework. Thames Water maintain that the policy should be simplified to support wastewater development and included the modifications suggested:

'Proposals for wastewater related development at wastewater treatment sites should be supported where demonstrated to be in accordance with the other policies in this plan and the relevant borough's development plan.'

Other suggestions to amend the policy purpose include:

- Bullet point 1 – suggest the word 'consented' is removed as Thames Water have permitted development rights to deliver development at STWs subject to the EIA Regulations: 'existing wastewater treatment (including sludge management) facilities are safeguarded from loss to non-wastewater related treatment uses';
- Bullet point 2 - could be updated to 'additional wastewater treatment and recycling capacity, related infrastructure and upgrades are consented to meet identified needs';
- Bullet point 3 could then be deleted as this would be covered by the above; and
- Bullet point 4 is deleted, as this duplicates national and local policy which is already in place to protect the environment and communities.

Question 10 - Is the reasoned justification at paragraphs 6.59 and 6.71 consistent with the wording of Policy JWP2B insofar as development that would lead to loss of safeguarded wastewater sites is concerned?

Thames Water Representation

Part B of Policy JWP2B seeks to retain safeguarded wastewater sites unless the justification criteria are met. Policy JWP2B has not been updated to reflect the comments made by Thames Water. The points that Thames Water made are still relevant and the modifications suggested by Thames Water should be made to make the policy clear and unambiguous i.e. to make the policy consistent with paragraph 16 of the Framework.

Criterion B.2 refers to demonstrating that the capacity of the facility to be lost is not required to meet 'policy objectives and legal requirements', but does not identify what these would be and therefore this part of the policy is ambiguous and is not deliverable.

The text in B2 could be amended to, for example, 'it has been demonstrated that the capacity of the facility to be lost is no longer required'. The remaining text should then be deleted as it duplicates other statutory and regulatory processes in place for the operation and provision of wastewater treatment facilities.

Question 11 - Suggested modification SM5 (see attached Schedule) would see the inclusion of additional text relating to wastewater treatment facilities:

a) What soundness deficiencies are these changes expected to address?

b) If taken forward would it be clear and unambiguous to a decision-maker how to react to relevant development proposals given that the changes are included in the Plan's reasoned justification rather than its policies?

c) Are the information requirements justified and would they be included in the Boroughs, lists of local information requirements?

Thames Water Representation

Thames Water support the new paragraph to follow Para 6.80, which is proposed under the sub-heading 'implementation' within the supporting text for Policy JWP3 Prevention of Encroachment.

However, the requirement for technical assessment should be included in the policy so that the policy meets the requirements of paragraph 16(d) of the Framework – contains policies that are clearly written and unambiguous.

Further, in relation to Policy JWP2B Thames Water made representations at the Regulation 19. Policy JWP2B has not been updated to reflect the comments made by Thames Water. The points that Thames Water made are still relevant and the modifications suggested by Thames Water should be made to make the policy clear and unambiguous i.e. to make the policy consistent with paragraph 16 of the Framework. Thames Water maintain that the policy should be simplified to support wastewater development and included the modifications that they suggested.

In addition, Thames Water support the text within paragraph 6.72, but consider it should be included in policy JWP2, not just the supporting text, so that the Policy meets the requirements of paragraph 16(d) of the Framework – contains policies that are clearly written and unambiguous.

Question 12 - What is the justification for the radii around waste sites (set out in paragraph 6.75, 6.76 and 6.77) wherein proposals for non-waste uses would have to consider their amenity impacts?

Thames Water Representation

As identified at the Regulation 19 stage, Thames Water support paragraphs 6.73-6.76 and 6.77-6.80 for the reasons set out in the representations. Thames Water maintain that in relation to paragraph 6.77 the 800m distance should also be applied to all Thames Water STWs including Riverside STW (as well as Beckton STW).

Question 17 - Are Policy JWP4(B)'s requirements relating to local employment justified and effective?

Thames Water Representation

Part B of Policy JWP4 refers to development proposals demonstrating access to employment opportunities 'in accordance with relevant Local Plan policy' and is also required in the London Plan, Policy E11 Skills and opportunities for all and in Havering Local Plan (2021) under Policy 22 - Skills and Training.

The points that Thames Water made at the Regulation 19 stage on Policy JWP4 are still relevant in the context of wastewater facilities. Thames Water maintain that Policy JWP4 is deleted as it unnecessarily duplicates national and local policy and therefore does not serve a clear purpose. Further, as local plans are updated, the policy within JWP4 may become out of date and conflict with future local plan policy and is likely to create uncertainty when being applied alongside existing borough and London Plan policies that cover the same topics.

Question 18 - Does Policy JWP4(C) unnecessarily duplicate other regimes relating to development proposals and is its wording otherwise justified and effective?

Thames Water Representation

Part C unnecessarily duplicates the protections for designated habitats and species of European importance afforded under the Conservation of Habitats and Species Regulations 2017 (as amended).

The points that Thames Water made at the Regulation 19 stage on Policy JWP4 are still relevant. In the context of wastewater facilities, Thames Water maintain that Policy JWP4 is deleted as it unnecessarily duplicates national and local policy and therefore does not serve a clear purpose.

Concluding comments

The above hearing statement is below the 3,000 word limit. Should you have any queries on this Hearing Statement please do not hesitate to contact me.

Yours Sincerely

David Wilson
Thames Water Property Town Planner