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By email only: planningpolicy@pendle.gov.uk

Planning Policy,
Pendle Borough Council,
Town Hall,
Market Street,
Nelson,
BB9 7LG

Your ref:
Our ref:
Date: 06-DEC-24

Dear Sir / Madam

PENDLE BOROUGH COUNCIL LOCAL PLAN (4TH EDITION) (2021 – 2040) PUBLICATION DRAFT

Thank you for your consultation seeking the views of United Utilities Water Limited (UUW) as part of the Local Plan process. UUW wishes to build a strong partnership with all local planning authorities (LPAs) to aid sustainable development and growth within its area of operation. We aim to proactively identify future development needs and share our information. This helps:

- ensure a strong connection between development and infrastructure planning;
- deliver sound planning strategies; and
- inform our future infrastructure investment submissions for determination by our regulator.

UUW wishes to highlight the benefit of early, constructive communication with the council and site promoters to ensure a co-ordinated approach to the delivery of any future allocations. We will seek to work closely with the council during the local plan process to develop a coordinated approach for delivering sustainable growth in sustainable locations. When preparing the Local Plan and future policies, new development should be focused in sustainable locations which are accessible to local services and infrastructure. We can most appropriately manage the impact of development on our infrastructure if development is identified in locations where infrastructure is available with existing capacity.

Please note that Yorkshire Water also operates in your local authority and therefore you should ensure that you also consult with them on your proposed development plan.

Our Assets

It is important to outline the need for our assets to be fully considered in any proposals you bring forward.

UUW will not allow building over or in close proximity to a water main.

UUW will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Site promoters should not assume that our assets can be diverted.

On occasion, an asset protection within a site can preclude delivery.

As you would expect, there will be a range water and wastewater assets within, and in the vicinity of, many of the draft allocations. It is critical that site promoters engage with UUW on the detail of their design and the proposed construction works.

All UUW assets will need to be afforded due regard in the masterplanning process for a site. This should include careful consideration of landscaping and biodiversity proposals in the vicinity of our assets and any changes in levels and proposed crossing points (access points and services).

We strongly recommend that the LPAs advises future applicants of the importance of fully understanding site constraints as soon as possible, ideally before any land transaction is negotiated, so that the implications of our assets on development can be fully understood and agreed. We encourage you to direct any future developers to contact UUW to discuss their schemes and highlight any potential issues by contacting:

Developer Services – Wastewater
Tel: 03456 723 723
Email: SewerAdoptions@uuplc.co.uk

Developer Services – Water
Tel: 0345 072 6067
Email: DeveloperServicesWater@uuplc.co.uk

At the end of this letter we have appended a list of tables which include a List of Sites where we have identified asset protection matters which will need considering as part of any development proposal. We request that you reference these assets in your site-specific requirements.

Site-Specific Requirements

We note that Chapter 8 includes various site-specific requirements. We do not consider these to be sufficiently comprehensive to address the matters we have raised in this representation. Therefore, we request the opportunity to liaise with you to ensure that the matters we have raised in this representation are sufficiently identified for further consideration as part of the development of the sites as site-specific requirements.

Local Plan Objectives

We are supportive of the local plan objectives outlined in Table 3.1, in particular, objectives LP02 relating to infrastructure capacity and LP04 relating to climate change.

Water Efficiency and Climate Change

UUW recommends that local plans include a policy requirement for new development to be built to the optional water efficiency standard prescribed in Building Regulations. A tighter water efficiency standard in new development has multiple benefits including a reduction in water and energy use, as well as helping to reduce customer bills. Water efficiency is therefore a key component of your journey to net zero.

At the current time, Building Regulations includes a requirement for all new dwellings to achieve a water efficiency standard of 125 litres of water per person per day (l/p/d). In 2015 an 'optional' requirement was introduced which is currently set at 110 l/p/d for new residential development.

We welcome the inclusion of the optional requirement within policy DM01: Climate Change Resilience and Policy SP07: Water Management. UUW notes the amendments made to Policy SP07 point 10(a) and criterion 3 of Policy DM01.

We note that criterion 3(d) has partially included wording that UUW previously recommended. We recommend that the policy wording is amended as follows:

'(d) Adopt water efficiency measures within building design to limit water usage; including the implementation of the optional technical standards for water efficiency in the Building Regulations Requirement G2 (or any future updated optional standards for water efficiency) for all new residential developments.'

We request that the additional wording below is included as part of Policy DM01:

'All major non-residential development shall incorporate water efficiency measures so that predicted per capita consumption does not exceed the levels set out in the applicable BREEAM 'Excellent / Very Good' standard.'

We have enclosed evidence to justify the inclusion of the optional requirement for water efficiency in new development. Importantly, the optional standard for water efficiency can be achieved at no additional cost (See table 3 of '*Water Ready: A report to inform HM Government's roadmap for water efficient new homes (April 2024)*').

As mentioned in our previous response, surface water should be managed as close to its source as possible. We support encouragement for water re-use opportunities in redevelopment proposals such as grey water recycling. We welcome the inclusion of 3(e) within Policy DM01 outlining that new homes should be equipped with a water butt of at least 200 litres storage capacity.

Co-ordinated Infrastructure Provision

Any growth needs to be carefully planned to ensure new infrastructure provision does not cause any unexpected delays to development delivery. The full details of the development proposals are not yet known. For example, the detail of the drainage proposals or the water supply requirements. As a result, it is important that we highlight that in the absence of such detail, we cannot fully conclude the impact on our infrastructure over a number of 5-year investment periods and therefore as more detail becomes available, it may be necessary to co-ordinate the timing for the delivery of development with the timing for delivery of infrastructure.

Once more information is available with respect to specific development sites, which is often only at the planning application stage, we will be able to better understand the potential impacts of development on infrastructure and, as a result, it may be necessary to coordinate the delivery of development with the timing for the delivery of infrastructure improvements. We recommend that you include a development management policy in your draft plan to this effect. As mentioned in our previous response, we recommend that the following wording is added as a separate point to Policy SP12.

'Once more details are known on development sites, it may be necessary to coordinate the delivery of development with timing for the delivery of infrastructure improvements.'

We wish to highlight that the rural parts of the borough are often supported by infrastructure which is proportionate to its rural location. UUW wishes to highlight that disproportionate growth in any settlement, especially small settlements, has the potential to place a strain on existing water and wastewater infrastructure. Therefore, when considering growth proposals, it is good practice to ensure that growth is proportionate to the size of the settlement.

Large Sites in Multiple Ownership

UUW has concerns regarding any large site allocations which are in multiple land ownerships. The experience of UUW is that where sites are in multiple ownership, the achievement of sustainable development can be compromised by developers/applicants working independently. We therefore encourage you to make early contact with all landowners/site promoters and challenge those landowners on how they intend to work together, preferably as part of a legally binding framework or masterplan. We believe that raising this point at this early stage is in the best interest of achieving challenging delivery targets from allocated sites in the most sustainable and co-ordinated manner.

We recommend that policy requires applicants to provide drainage strategies for foul and surface water. For larger sites, we would recommend that policy requires applicants to prepare an infrastructure phasing and delivery strategy. For strategic sites, we would recommend that early consideration is given to the infrastructure strategy as part of the preparation of the local plan and to ensure a co-ordinated approach to the delivery of new development and infrastructure. We note criterion 3 in Policy SP12, which states:

'Developments may be phased to coincide with the funding and delivery of supporting infrastructure. Where it is necessary to coordinate development with the delivery of infrastructure improvements, applicants should submit a comprehensive infrastructure strategy to show how the wider site will be brought forward in a co-ordinated manner'

We believe that infrastructure strategies should be required for all sites not just those where it is necessary to co-ordinate development with the delivery of infrastructure. For example, a small self-build site of 5 units should be underpinned by an infrastructure strategy in the same way that a laege site should be underpinned by an infrastructure strategy. As such, we suggest that criterion 3 is amended as follows:

'Developments may be phased to coincide with the funding and delivery of supporting infrastructure. ~~Where it is necessary to coordinate development with the delivery of infrastructure improvements,~~ ~~a~~Applicants ~~should~~ must submit a comprehensive infrastructure strategy to show how the wider site will be brought forward in a co-ordinated manner.'

We also recommend that the following wording is included as part of the supporting text to Policy SP12:

'Site-wide infrastructure strategies shall be prepared in liaison with infrastructure providers and demonstrate how each phase interacts with other phases and ensure coordination between phases of the development over time and by numerous developers. Where necessary, the strategy must be updated to reflect any changing circumstances between phase(s) during the delivery of the development.'

Climate Change Policy

UUW supports policy DM01: Climate Change Resilience included as part of this Local Plan. Sustainable surface water management and the efficient use of water are critical elements of any such policy. However, we would encourage the policy to be intrinsically linked to wider policies in the local plan including those relating to the detailed design of new developments and the provision of green and blue infrastructure, as well as Pendle Borough's Climate Emergency Action Plan (2020).

We wish to ensure that the climate change policy gives appropriate emphasis to green and blue infrastructure, natural flood management techniques, multi-functional sustainable drainage, designing new development so that it is resilient to the challenges of future climate change and the incorporation of water supply efficiency measures.

As the LPA will be aware, green infrastructure can help to mitigate the impacts of high temperatures, combat emissions, maintain or enhance biodiversity and reduce flood risk. Green / blue infrastructure and landscape provision play an important role in managing water close to its source. If the necessary link between green/blue infrastructure, surface water management and landscape design is outlined as a strategic requirement in local plans, it will help ensure that sustainable surface water management is at the forefront of the design process.

Landscaping

We wish to emphasise that the evaluation of surface water management opportunities should be undertaken early in the design process. It is imperative that the approach to design including site analysis is intrinsically linked to '*making space for water*'. Sustainable surface water management will be particularly important to consider in the context of the requirement for new streets to be tree lined. It is a national policy requirement that new streets are tree lined as stated in paragraph 136 within the NPPF. Therefore, UUW reiterates the following wording for inclusion within Policy DM07:

'Landscaping proposals, including proposals for tree-lined streets, must be integrated with the strategy for sustainable surface water management.'

We also recommend the following associated explanatory text to support this policy amendment.

'Supporting Text

Landscaping proposals, including public realm improvements, must be intrinsically linked to opportunities for surface water management improvements and considered early in the design process. The integration of landscaping proposals with surface water management can be achieved through a variety of features including:

- *permeable surfacing;*
- *bioretention tree pits;*
- *rain gardens;*
- *soakaways and filter drainage;*
- *swales; and*
- *blue / green roofs.'*

Any approach to planting new trees must also give due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to utility services. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. It will be important that applicants refer to our '*Standard Conditions for Works Adjacent to Pipelines*' (a copy of which can be found on our website) and consult with us when implementing the delivery of landscaping proposals. The approach to any planting must have regard to the proximity to existing or proposed utility assets to ensure there is no impact on these assets such as root ingress. Trees should not be planted directly over water and wastewater assets or where excavation onto the asset would require removal of the tree. As previously stated, we therefore recommend that Policy DM07 includes the following additional criterion.

'The approach to any planting must have regard to the proximity to existing or proposed utility assets to ensure there is no impact on these assets such as root ingress. Trees and biodiversity mitigation / enhancement proposals should not be planted directly over water and wastewater assets or where excavation onto the asset would require removal of the tree / biodiversity.'

We are pleased to see the inclusion of criterion 4 to Policy DM37, however UUW recommend that criterion 3 is amended to reflect the wording below:

3. Proposals for parking, including driveways, should not adversely affect the quality and appearance of the street-scene. Parking should help promote a sense of place and allow for the delivery of tree-lined streets, which are integrated with the strategy for surface water management.'

Flood Risk

When considering flood risk policy and the location of development, we believe it is important to highlight that the preparation of the local plan should give sufficient emphasis to all forms of flood risk. UUW is pleased to see that Policy DM02 Flood Risk has been split into Policy DM02(a) Flood Risk and Policy DM02(b) Surface Water and Foul Water Management.

However, UUW recommends the following additional policy wording to be included in Policy DM02(a) Flood Risk to address the risk of flooding from other sources namely overwhelmed drainage systems and reservoirs:

'Applicants will be required to consult with the water and sewerage undertaker to confirm the nature and extent of any flood risk from sewers and reservoirs. For sewers, the consultation should confirm:

a) if there are any sewer surcharge levels at the point of connection that could influence site design;

b) whether there is an incident of sewer flooding at, or in the vicinity of, the proposed development site; and

c) if sewer modelling data indicates that existing sewers that pass through or near to the site present a modelled risk of sewer flooding.

This will determine whether to apply the sequential approach. Development should not be located in an area at risk of flooding. Applicants must demonstrate that proposals do not increase flood risk and are safe. Applicants should not assume that changes in levels or that

changes to the public sewer (including diversion), will be acceptable as such proposals could increase / displace flood risk.'

On-site Sewer Flood Risk

When considering potential new development sites, it is important to identify where there are existing public sewers within or near to the site, which are predicted to be at risk from flooding and/or sites where there is a record of previous flooding from the public sewer.

The proposed site allocations could also be affected by overland flow from nearby off-site public sewers. At this stage we can only undertake a limited assessment as detailed information is not available on the sites, for example, topographic details. Policy should be clear that this risk needs to be considered early in the design and development process and that any flood risk should not be displaced.

Our initial assessment of the employment and housing sites for which we have received shp files identifies:

- sites with an on-site modelled flood risk;

- sites with a record of on-site sewer flooding;

- sites with a record of sewer flooding in the vicinity of the site; and

- sites at risk of flooding from reservoirs operated by UUW.

This information is included in tables that are appended to this letter and summarised below.

The sites with a modelled sewer flood risk within / in the vicinity of the site are:

Site Ref.	Site Name
P052	Former Railway Sidings
P060	Former Mansfield High School
P237	Former Barnsey Shed
P026	Riverside Mill
P067	Land at South Of Colne Water
P309	Land at Jackdaw Road
P267	Land at Former LCC Depot, Halifax Road, Brierfield (Appears to relate to on-site watercourse into which a surface water sewer connects)
P326	Land off Barkerhouse Road
P311	Land at Bamford Street

The sites with a record of sewer flooding in the vicinity of the site are:

Site Ref.	Site Name
P052	Former Railway Sidings
P060	Former Mansfield High School
P107	Land at Mansfield Crescent
P267	Land at Former LCC Depot, Halifax Road, Brierfield

We request that you use this information to update your Strategic Flood Risk Assessment and reflect the risk which we have identified in your site-specific considerations requirements.

UUW also recommends the following additional policy wording is included in the Local Plan. In instances where sites are affected by sewer flood risk and it is your decision to continue to allocate the site, we suggest the following additional wording is included in Chapter 8 as a new Site-Specific Requirement for each site listed as having a modelled sewer flood risk:

'Modelled Sewer Flood Risk

Existing public sewers pass through and near to this site which modelling data (and / or flooding incident data) identifies as being at risk of sewer flooding. This will need careful assessment and consideration in the detailed design, masterplanning and drainage details for the site. The risk of sewer flooding could affect the developable area of the site and the detail of the design.'

Where there is a record of flooding on-site, or in the vicinity of the site, we would recommend the following wording in the Site Specific Requirements for each site:

'Sewer Flooding Incidents

'There are flood incidents from the public sewer on-site / in the wider area. Applicants must engage with United Utilities to consider the detailed design of the site and drainage details. The risk of sewer flooding could affect the developable area of the site and the detail of the design.'

We also recommend the following supporting text in respect of sewer flood risk matters for each site where we have identified a risk of flooding from the public sewer:

'Supporting Text

A range of sites have been identified as being at risk of sewer flooding or in where sewer flooding has occurred in the wider vicinity. In respect of these sites, the applicant must engage with United Utilities prior to any masterplanning to assess the flood risk and ensure development is not located in an area at risk of flooding from the public sewer. Applicants should consider site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances. Applicants must demonstrate that the proposed development would be safe and not lead to increased flood risk. Applicants should not assume that changes in levels or changes to the public sewer, including diversion, will be acceptable as such proposals could increase / displace flood risk. It may be necessary to apply the sequential approach and incorporate mitigating measures subject to the detail of the development proposal. Careful consideration will need to be given to the approach to drainage including the management of surface water; the point of connection; whether the proposed drainage will be gravity or pumped; the proposed finished floor and ground levels; the management of exceedance paths from existing and proposed drainage systems and any appropriate mitigating measures to manage any risk of sewer surcharge.'

UUW wishes to specifically highlight the risk of sewer flooding at '***P052 Former Railway Sidings***'. In accordance with our above comments, this site will need careful assessment and consideration in the detailed design, master planning and drainage details for the site. The risk of sewer flooding could affect the developable area of the site and the detail of the design. We recommend early engagement with UUW to discuss the approach to managing flood risk on this site.

Sustainable Drainage - Foul Water and Surface Water

New development should manage foul and surface water in a sustainable way in accordance with national planning policy. We wish to emphasise the importance of any future policy setting out the need to follow the hierarchy of drainage options for surface water in national planning practice guidance which clearly identifies the public combined sewer as the least preferable option for the discharge of surface water.

UUW is pleased to note that the issues of flood risk and surface water management are dealt with as **three separate elements**. We welcome the intentions behind the policy wording of policies SP07: Water Management and DM02(a): Flood Risk and DM02(b) Surface Water and Foul Water Management.

Paragraph 173 of the National Planning Policy Framework (NPPF) outlines that '*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment*'.

Noting that not all applications are required to submit a flood risk assessment, UUW wishes to outline that emerging policy should set an expectation that all applications will be required to submit clear evidence that the hierarchy for surface water management has been fully investigated to ensure that flood risk is not increased elsewhere.

We are pleased to see the amendments made to Policy DM02(b) Surface Water and Foul Water Management, however, UUW would recommend that the wording for Policy DM02(b) is improved further using the following text:

2. Applicants wishing to discharge into a public sewer must submit clear evidence to demonstrate why alternative options are inappropriate. Proposals should be designed to maximise the retention of surface water on-site and minimise the volume, and rate of, surface water discharge off-site. The right to connect surface water runoff to public sewers is conditional upon a drainage system being approved before any construction work can start.

3. All development proposals must:

(a) Respond to the existing hydrological characteristics of a site to ensure that flood water is not deflected or constricted (Policy DM01)

(b) Address how surface water is to be managed during the construction phase(s) of the development.

(c) Manage surface water close to its source and on the surface where reasonably practicable to do so.

(d) Include ~~Prioritise the use of~~ sustainable drainage systems (SuDS) ~~in the final design, unless it can be demonstrated that they are not technically feasible or viable~~ there is clear evidence that this would be inappropriate. ~~New SuDS must be designed to adoptable standards.~~ Applications for major development will be required to incorporate sustainable drainage which is multi-functional, in accordance with the four pillars of sustainable drainage, in preference to underground piped and tanked storage systems, unless, there is clear evidence why such techniques are inappropriate. The sustainable drainage should be integrated with

the landscaped environment and the strategy for biodiversity net gain. Any drainage must be designed in accordance with 'Ciria C753 The SuDS Manual' and sewerage sector adoption guidance.

(e) Minimise the use of impermeable surfaces.

(f) Include an acceptable maintenance and management regime for any surface water drainage schemes, which should:

> *i. Ensure sufficient right of access for future maintenance of any open or culverted watercourses, SuDS components and surface water discharge points.*
> *ii. Identify who will be responsible for future maintenance of any open or culverted watercourses, SuDS components and surface water discharge points upon completion of the development.*

1. All applications must be supported by a strategy for foul and surface water management. Any discharge should employ the most sustainable drainage option, in the following order of priority:

- *(a) Controlled at source and re-used, wherever possible.*
- *(b) Into the ground (infiltration).*
- *(c) To a surface water body.*
- *(d) To a surface water sewer, highway drain or another drainage system.*
- *(e) To a combined sewer.*

2. Applicants wishing to discharge into a public sewer must submit clear evidence to demonstrate why alternative options are inappropriate. The right to connect surface water runoff to public sewers is conditional upon a drainage system being approved before any construction work can start.

4(a). On Greenfield sites the peak run-off rate and the run-off volume must not exceed the existing greenfield rates for the same rainfall event including and allowance for climate change and changes in the impermeable area over the design life of the development (urban creep).

4(b). On previously developed (Brownfield) land the peak run-off rate and run-off volume should not exceed the greenfield rates for the same rainfall event, including an allowance for climate change and urban creep. Where this cannot be achieved a reduction as close to greenfield rates as reasonably practicable must be targeted, with a minimum requirement for a reduction of 30% allowing for climate change, rising to a minimum of 50% in any critical drainage area identified by the SFRA. A 10% allowance for urban creep must also be applied unless this results in an impermeable area greater than 100%. To demonstrate any reduction in discharge rates, applicants must submit clear evidence of existing operational connections from the site with associated calculations on rates of discharge. Where clear evidence of existing connections is not provided, applicants will be required to discharge at a greenfield rate of run-off.

5. The provision of green infrastructure to assist with flood mitigation will be supported in line with Policies DM06 and DM031.

6. Overland flood water exceedance routes must be designed and managed in a way that reduces the risk to people and property.

7. Applicants must demonstrate that the life-time sustainability of the proposed drainage measures and components has been considered, accounting for the likely impacts of climate change and urban creep. Appropriate allowances should be applied in each case.

8. Long term arrangements for the maintenance of drainage measures provided on site will be secured through a signed legal agreement.

9. For any development proposal which is part of a wider development / allocation, foul and surface water strategies must be part of a holistic site-wide strategy. Pumped drainage systems must be minimised and a proliferation of pumping stations on a phased development will not be acceptable.'

UUW are pleased to see the supporting text has been updated for Policy DM02(a) Flood Risk and Policy DM02(b) Surface Water and Foul Water Management to include the recommendations made in our previous response.

Groundwater Source Protection Zones

The Environment Agency has defined Groundwater Source Protection Zones (SPZs) for groundwater sources, which are often used for public drinking water supply purposes. **The prevention of pollution to drinking water supplies is critical.** The SPZs signify where there may be a particular risk from activities on or below the land surface. Such activities include construction. The details of SPZs can be viewed on the website of the Environment Agency. We would also be happy to provide details if that would be helpful.

With respect to the site selection process, we wish to highlight that new development sites are appropriately located away from locations which are identified as sensitive groundwater protection areas. The strong preference of UUW is for development to take place outside of any Environment Agency designated SPZ1, as this is the most sensitive location from a groundwater protection viewpoint.

It is critical that there is clear policy wording outlining the requirements for development that mitigate the effects of development on the groundwater environment and public water supply. In addition to any site specific wording, you should also include standalone policy in the local plan relating to SPZs. UUW supports the inclusion of the policy wording in Policies SP07: Water Management and DM02(a): Flood Risk.

We note that the supporting text has been amended to reflect the recommendations previously stated, however, we request that the following wording is included to strengthen the supporting text:

'Supporting Text

Where required a qualitative and quantitative risk assessment should identify all contaminant sources associated with the development and its operation and provide details of measures required to mitigate any risks caused to groundwater and public water supply during all phases of the development. Subject to the outcome of the risk assessment, the mitigation measures may include the highest specification design for the new foul and surface water sewerage systems (pipework, trenches, manholes, pumping stations and attenuation features).'

As noted above, it is important that any allocation which is within a groundwater source protection zone is first assessed to determine if the principle is acceptable and thereafter any proposal should be covered by site-specific detail which clearly identifies this constraint and the need for proposals to be undertaken in accordance with the above recommended policy.

Water Catchment Land

UUW wishes to note that development proposals on water catchment land can have an impact on water supply resources and therefore we recommend that you include a policy which identifies the need to engage with the statutory undertaker for water to determine whether any proposal is on land used for public water supply catchment purposes. Please get in touch for information on the location of catchment land in the borough.

In cases of wind energy proposals on water catchment land the applicant should seek to locate development so that the impact on public water supply is minimised through the location of the development and through the undertaking of appropriate risk assessments and inclusion of mitigation measures in the design and construction process. It is particularly important to avoid the location of new wind turbines on deep peat land.

We recommend you include the following policy relating to water catchment land as an additional criterion to Policy SP07 under the heading of 'Water quality'.

'Development proposals on land used for public water supply catchment purposes will be required to consult with the relevant water undertaker. The first preference will be for proposals to be located away from land used for public water supply purposes. Where proposals are proposed on catchment land used for public water supply, careful consideration should be given to the location of the proposed development and a risk assessment of the impact on public water supply may be required with the identification and implementation of any required mitigation measures.'

Development next to Wastewater Treatment Works and Pumping Stations

We have reviewed the list of sites of employment and housing sites which you have sent to us as shp files and identified no concerns associated with proximity to our wastewater treatment works.

With respect to any other development sites which may come forward in proximity to our wastewater assets, it will be necessary to carefully consider their proximity to our existing wastewater treatment works, detention tanks, pumping stations and sewer overflows. It is important to explain that:

1. Wastewater treatment works are key infrastructure for the borough which may need to expand in the future to meet growth needs or respond to new environmental drivers. Maintaining a space around a treatment works is therefore desirable to respond to any future investment requirements.

2. As a waste management facility, a wastewater treatment works is an industrial operation which can result in emissions. These emissions include odour and noise. A wastewater treatment works can also attract flies. A wastewater treatment works is also subject to vehicle movements from large tankers which need to access the site.

The position of UUW is that when considering a range of sites to meet development needs, it would be more appropriate to identify new development sites, especially sensitive uses, such as housing, which are not close to a wastewater treatment works. This position is in line with the '*agent of change*' principle set out at paragraph 193 of the NPPF. Paragraph 193 states:

'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

Paragraph: 009 Reference ID: 30-009-20190722 of the National Planning Practice Guidance expands on this by stating:

'Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration, and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects but can help to achieve a satisfactory living or working environment and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).

It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.'

Similarly, Paragraph: 005 Reference ID: 34-005-20140306 of the NPPG states:

'Plan-making may need to consider:

- *whether new development is appropriate near to sites used (or proposed) for water and wastewater infrastructure (for example, odour may be a concern).'*

Therefore, we welcome the wording included in paragraph 5.212 regarding residential development and waste water treatment works. However, as previously suggested, we would like to recommend the following additional wording to be included within Policy DM13: Environmental Protection:

'Applicants must demonstrate that the occupiers of new developments will enjoy an appropriate standard of amenity and will not be adversely affected by neighbouring uses and vice versa. When applicable, applicants will be required to submit the relevant impact assessments, outlining any adverse effects from the neighbouring site, and any required mitigation.'

We have various wastewater treatment works in Pendle. They include:

- Colne WwTW
- Burnley WwTW
- Barnoldswick WwTW
- Newchurch in Pendle WwTW

Plans of these sites can be provided separately if required.

Investment in Future Infrastructure

UUW requests the support of the Council for future investment in infrastructure in order to be able to expeditiously respond to infrastructure needs. UUW wishes to highlight that it owns assets which are currently situated in protected areas such as open countryside or Green Belt. Upgrades to these assets may be required in the near future, and it is important to ensure that any required upgrades and expansions to these sites can be made in order for us to meet the infrastructure requirements of proposed future development in the borough and future environmental drivers.

It is worth noting that the Environment Act 2021 places an obligation on sewerage undertakers in England to secure a progressive reduction in the adverse impacts of discharges from storm overflows to reduce the impacts on the environment and public health. This obligation has triggered the need for significant future investment in our wastewater assets (treatment and network). This investment will often be constrained by engineering circumstances to determine the most appropriate location for additional storage to reduce spills. This may necessitate investment away from existing treatment facilities such as in the green belt, the open countryside and other green areas that are in, or adjacent to, existing settlements.

Consistent with meeting its obligations, UUW requests that local development plan policy is worded to recognise that utility sites, located within protected land, are appropriate for development for operational purposes. Our preference would be for this principle to be reflected in policy and through designation of existing sites on the Proposals Map. We also request wider support for water and wastewater infrastructure investment that is ultimately beneficial to the environment, biodiversity, watercourses and growth so that our investment can be delivered in the most timely and effective manner.

The following policy wording is recommended as additional wording to Policy DM09 to provide support for water and wastewater infrastructure in the Open Countryside and Green Belt:

'The Council will support water and wastewater infrastructure investment which facilitates the delivery of wider sustainable development and the meeting of environmental objectives of water and sewerage undertakers including development proposals for water and wastewater infrastructure in protected areas such as the Green Belt, open countryside or in existing green spaces, where the investment is needed to respond to future growth and environmental needs.'

This policy would enable us to ensure we can continue to meet the growth and development aspirations of the region, by ensuring that fundamental infrastructure requirements are met and that we are able to respond to the need for investment in our assets to protect the environment and reduce flood risk. Our assets in the borough include:

- Town House Service Reservoir
- Barnoldswick Wastewater Treatment Works
- Nelson Service Reservoir
- Ridgaling Water Treatment Works
- Walderden Service Reservoir
- Colne Wastewater Treatment Works

Policy SP05 Green Belt

We welcome the provision within this policy that recognises Burnley Wastewater Treatment Works as a Major Developed Site where redevelopment or limited infilling will not be considered inappropriate development in the green belt. In the context of the aforementioned Environment Act 2021, it is more critical than ever that we are able to flexibly respond to the need for investment in our assets, including our wastewater treatment works. Whilst supportive of the policy in principle, we are concerned that Criteria 5 a) - 5d) are overly prescriptive and lack sufficient flexibility to allow for:

- investment that is ultimately necessary to meet future growth and environmental drivers; and

- to take account of any existing site specific circumstances.

Future investment may need to propose buildings / structures which are higher than existing structures or with a greater footprint than existing operations. Future investment may also need to result in the loss of some vegetation.

We are specifically concerned at the need to <u>reduce</u> traffic movements in criterion 5b. Investment in wastewater treatment works is a critical and essential national requirement to ensure that any impact on the water environment is acceptable and to ensure that the housing and growth agenda is facilitated by upgrades to wastewater treatment where necessary. Whilst we recognise the importance of appropriately considering the impact of traffic movements in the determination of planning applications, we do not consider it reasonable for policy to require a reduction in traffic movements. Any change in traffic movements is more appropriately considered against the wider policies of the development plan and as part of the '*planning balance*' and not as part of a specific requirement of Policy SP05 which is a green belt policy.

We also believe that it is not reasonable for policy to require positive environment benefits to the level of emissions (noise and odour) associated with the site. In accordance with the agent of change principle, a more appropriate approach would be to ensure no additional adverse impact on neighbouring uses as a result of future investment at the treatment works.

In conclusion of the above points, we request that the policy is amended to state:

'5. Redevelopment or limited infilling at the Burnley Wastewater Treatment Works, which is associated with its continued use, will not be considered inappropriate development in the Green Belt subject to compliance with the provisions set out in the NPPF and provided that:

a) The height, massing and footprint of the buildings and structures within the facility maintain the general openness of the Green Belt.
(b) It can be demonstrated that ~~the proposals will have positive environmental benefits, particularly in relation to reducing traffic movements (Policy SP11) and~~ the level of emissions (noise and odour) associated with the ~~operation of the site (Policy DM13)~~ proposals will not increase any adverse impact on neighbouring uses.
~~(d)~~ (c) Mature vegetation along the site boundary and in areas surrounding the site is maintained if possible. If vegetation loss is demonstrated to be necessary, the proposals must be ~~and~~ supported by an agreed landscaping scheme.'

UUW Property Interests

We would wish to assess any possible future development sites to determine whether we have any land interests such as easements and rights of access which are in addition to our statutory rights for inspection, maintenance and repair. These land interest may have restrictions that must be adhered to. It is the responsibility of the developer to obtain a copy of the associated legal document, available from United Utilities' Legal Services or Land Registry and to comply with the provisions stated within the document.

We recommend that landowners/developers contacts our Property Services team at PropertyGeneralEnquiries@uuplc.co.uk to discuss how any proposals may interact with our land interests. Our easements, pipe structures and access rights should not be affected by the design and construction of new development.

Reservoir Flooding

There are a number of reservoirs within Pendle, each with its own reservoir flooding zone, showing how far flood water would spread from the reservoir in the unlikely event that a reservoir failed. These maps are available on the Environment Agency website at https://flood-warning-information.service.gov.uk/long-term-flood-risk/map.

When looking at possible future development allocations within a reservoir flood zone, we draw your attention to the advice within the National Planning Practice Guidance on Flood Risk and Coastal Change.

This states that the local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir.

Local planning authorities will also need to evaluate in Strategic Flood Risk Assessments (and when applying the Sequential Test) how an impounding reservoir will modify existing flood risk in the event of a flood in the catchment it is located within, and/or whether emergency draw-down of the reservoir will add to the extent of flooding.

If considering allocating land for development within a reservoir flood zone, local planning authorities should also discuss their proposed site allocations with reservoir undertakers (such as UUW) at the earliest opportunity, in order to:

- avoid intensification of development within areas at risk from reservoir failure; and

- ensure that reservoir undertakers can assess the cost implications of any reservoir safety improvements required due to changes in land use downstream of their assets.

Developers should be expected to cover any additional costs incurred, as required by the National Planning Policy Framework's '*agent of change*' policy (paragraph 187). This could be through Community Infrastructure Levy or section 106 obligations for example.

We have enclosed a list of sites that fall within the reservoir flood risk zone (UUW owned and operated reservoirs). You should ensure that your Strategic Flood Risk Assessment identifies any sites that are in a location that is at risk of flooding from a reservoir.

Biodiversity Net Gain (BNG)

As part of our response to the Environment Act and in preparation for the future delivery of BNG, we are currently reaching out to local authorities to ensure we develop a BNG strategy that, wherever possible, supports local biodiversity and nature recovery needs. We are currently evaluating all land owned by UUW within local authorities that could be used for habitat creation or enhancement works and developing a list of candidate sites. In identifying land, we clearly recognise the strategic importance of aligning our site selection process with local, regional and national policies and objectives on biodiversity and nature recovery. As part of the preparation of your new local plan, we would welcome the opportunity to further discuss your approach to the delivery of BNG and the identification of strategic opportunities to support local nature recovery.

UUW welcomes Policies DM04: Biodiversity Net Gain and SP12: Infrastructure and Developer Contributions, which includes flexibility to allow for off-site BNG provision. We wish to highlight that on-site provision is not always the most appropriate long term solution for the delivery of BNG when investing in key infrastructure such as water and wastewater assets. It is critical that land at and around our key infrastructure sites is not sterilised to ensure that we are able to flexibly and most appropriately respond to future growth and environmental drivers. This approach is supported by the planning practice guidance which states that the approach to BNG should be resilient to future pressures from further development. It states:

'When assessing opportunities and proposals to secure biodiversity net gain, the local planning authority will need to have regard to all relevant policies, especially those on open space, health, green infrastructure, Green Belt and landscape. It will also be important to consider whether provisions for biodiversity net gain will be resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements.

Paragraph: 023 Reference ID: 8-023-20190721

Revision date: 21 07 2019'

We also wish to note that biodiversity mitigation / enhancement should not be located directly over water and wastewater assets or where excavation onto the asset would require removal of the biodiversity.

New Renewal Energy Opportunities

We are currently evaluating all land owned by UUW within local authorities that could be used for renewable energy and developing a list of candidate sites. In identifying land, we clearly recognise the strategic importance of aligning our site selection process with local, regional and national

policies and objectives on renewable energy and net zero. As part of the preparation of your new local plan, we would welcome the opportunity to further discuss your approach to the delivery of renewable energy sites and the identification of new opportunities.

Summary

Moving forward, we respectfully request that the council continues to consult with UUW for all future planning documents. In the meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me at planning.liaison@uuplc.co.uk.

Yours faithfully

Ellie Rigby
Planning, Landscape and Ecology
United Utilities Water Limited

Encl. Water Resources West Evidence
Initial Site Assessment

Issues Identified by United Utilities Water Limited

Initial Site Assessment

Modelled Sewer Flood Risk

Site Ref.	Site Name
P052	Former Railway Sidings
P060	Former Mansfield High School
P237	Former Barnsey Shed
P026	Riverside Mill
P067	Land At South Of Colne Water
P309	Land at Jackdaw Road
P267	Land at Former LCC Depot, Halifax Road, Brierfield (Appears to relate to on-site watercourse into which a surface water sewer connects)
P326	Land off Barkerhouse Road
P311	Land at Bamford Street

Record of Sewer Flooding in the Vicinity of the Site

Site Ref.	Site Name
P052	Former Railway Sidings
P060	Former Mansfield High School
P107	Land at Mansfield Crescent
P267	Land at Former LCC Depot, Halifax Road, Brierfield

List of Asset Protection Matters

Site Ref.	Site Name	Comment
P052	Former Railway Sidings	There are water and wastewater assets located within the site
P257	Land At Giles Street	There are water and wastewater assets located within the site
P026	Riverside Mill	There are water and wastewater assets and land owned by United Utilities located within the site. The assets include a proposed private treated water pipe
P067	Land At South Of Colne Water	There are water and wastewater assets located within the site
P309	Land at Jackdaw Road	There is a private surface water sewer located within the site
P060	Former Mansfield High School	There are wastewater assets located within the site
P237	Former Barnsey Shed	There are wastewater assets located within the site
P326	Land at Barkerhouse Road	There are water assets located within the site
P107	Land at Mansfield Crescent	There are water assets located within the site

P267	Land at Former LCC Depot, Halifax Road, Brierfield	There are water (appears to be private water supply pipe) and wastewater assets. There is also a watercourse which is not the responsibility of United Utilities.
P311	Land at Bamford Street	There are water and wastewater assets located within the site
	Land at Wickworth Street, Nelson	There are water and wastewater assets located within the site

Flood Risk from Reservoirs Operated by UUW

Site Ref.	**Site Name**
P026	Riverside Mill
P067	Land South of Colne Water
P257	Land at Giles Street

WATER EFFICIENCY IN NEW HOMES

Evidence to support adoption of the Building Regulations Optional Requirement for local authorities in North West England and the Midlands

Background

Water is essential for life - yet here in the UK (as in many regions across the world) the future availability of water is a concern. The area covered by Water Resources West is an area the Environment Agency has described as having 'moderate water stress'; water scarcity/stress occurs when demand is high compared to the water that is available[1] .

Population growth, climate change and environmental protection measures all put pressure on water resources and contribute to water stress in our region. On top of this, housing shortages mean that lots more housing is needed today and in the future. Hence, planning policy is a vital tool to help ensure long term sustainable management of water supplies, as well as helping protect our local rivers and wildlife. Achieving a balance between these conflicting demands is a challenge for us all.

Water Efficiency Standards for New Homes

The Code for Sustainable Homes was launched in 2006 to help reduce UK carbon emissions and create more sustainable homes; it was the national standard for use in the design and construction of new homes in the UK and is still referred to in older Local Plans. In 2015 it was withdrawn and some of its standards were consolidated into Building Regulations including the requirement for all new dwellings to achieve a water efficiency standard of 125 litres of water per person per day (l/p/d). In the same year, the Government updated Building Regulations Part G, introducing an 'optional' requirement of 110 l/p/day for new residential development, which should be implemented through local policy where there is a clear need based on evidence. (See Appendix 1).

In 2018, Welsh Government amended building regulations so that new builds are built to a standard of 110 l/p/d[2]. In England however the standard of 110 l/p/d needs to be adopted as a local policy by each planning authority in its local plan before it can take effect.

In 2020, the government published a White Paper on future planning[3] in England. The focus is on clear requirements and standard approaches. It clear that water will remain an important consideration and that "sustainable development" will be a key test.

The Need for Water Efficiency in New Homes

The Water Framework Directive (WFD) was adopted into UK Law in 2003. It was designed to change water management for the better by putting aquatic ecology at the heart of all management decisions. One of the most important features of the WFD is that it encourages public consultation, meaning everyone can have a say in what is needed to protect our water resources. It also takes into account the environmental, economic and social implications of any such investment/decisions.

Delivery of the WFD objectives in our region is set out in River Basin Management Plans for the Solway Tweed, North West, Dee, Severn and Humber River Basins. These documents highlight a number of issues that are affecting the achievement of the WFD objectives, one of these is the pressures from water supply. Thus, there are a variety of reasons why water efficiency is important for Local Authorities.

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[1] Water stressed areas – final classification, Environment Agency and Natural Resources Wales, July 2013
[2] The Building (Amendment) (Wales) Regulations 2018
[3] Planning for the future, Ministry of Housing, Communities and Local Government, August 2020

Local Authorities have a duty of care for communities and the environment and the reduction in water use can help to minimise the quantity of water taken from the environment as well as helping to control customer bills. There are some important factors to consider in this regard:

- The general Duty to Co-operate[4] can also apply to water efficiency and, across the region, there are several examples of exemplar project partnerships between Local Authorities and water companies.
- The National Planning Policy Framework[5] Section 2 requires strategic policies to make sufficient provision for water supplies. Section 14 of the NPPF concerns "Meeting the challenge of climate change, flooding and coastal change" and paragraph 149 make specific reference to water supply within this context. Paragraph 170 goes on the set out that planning policies and decisions should contribute to and enhance the natural and local environment including water. For reference we have included specific government guidance in relation to the optional standard in Appendix 2.
- Local Authorities must "have regard to the River Basin Management Plans and any supplementary plans in exercising their functions" and this includes taking action on water efficiency.
- The production of mains water requires significant energy and chemical inputs and hence reducing demand for water can contribute significantly to reducing carbon emissions, especially where those savings are of hot water.

Why do we need to save water?

The areas covered by Water Resources West are classed as an area under 'water stress' by the Environment Agency (Table 1). While local planning authorities are encouraged to draw on this existing evidence to establish the need for possible action government makes clear that this should not be the only consideration[6] – not least because current maps were not developed to establish areas where additional controls were required on new homes. A requirement for a higher water efficiency standard within a local plan should also follow on from consultation with the local water supplier and the Environment Agency. Additional reasons for the local need for action highlighted by the Environment Agency and the local water suppliers are set out below.

Table 1. Water Stress Classification for current and future scenarios[1] (L=low stress; M=moderate stress; S=serious stress). The four scenarios represent the range of pressures on water resources from climate change and future demands.

Water company area	Current Stress	Future Scenario 1	Future Scenario 2	Future Scenario 3	Future Scenario 4
Dwr Cymru Welsh Water	M	M	M	M	M
Severn Trent	M	M	M	M	M
South Staffs Water	M	M	M	M	M
United Utilities	M	M	M	M	M

[4] Section 110 of the Localism Act sets out the 'Duty to Co-operate'. It requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Even if the formal duty is removed in future legislation, the August 2020 White Paper[3] makes it clear that strategic, cross-boundary issues should still be considered in the context of sustainable development.

[5] National Planning Policy Framework, Ministry of Housing, Communities & Local Government, February 2019

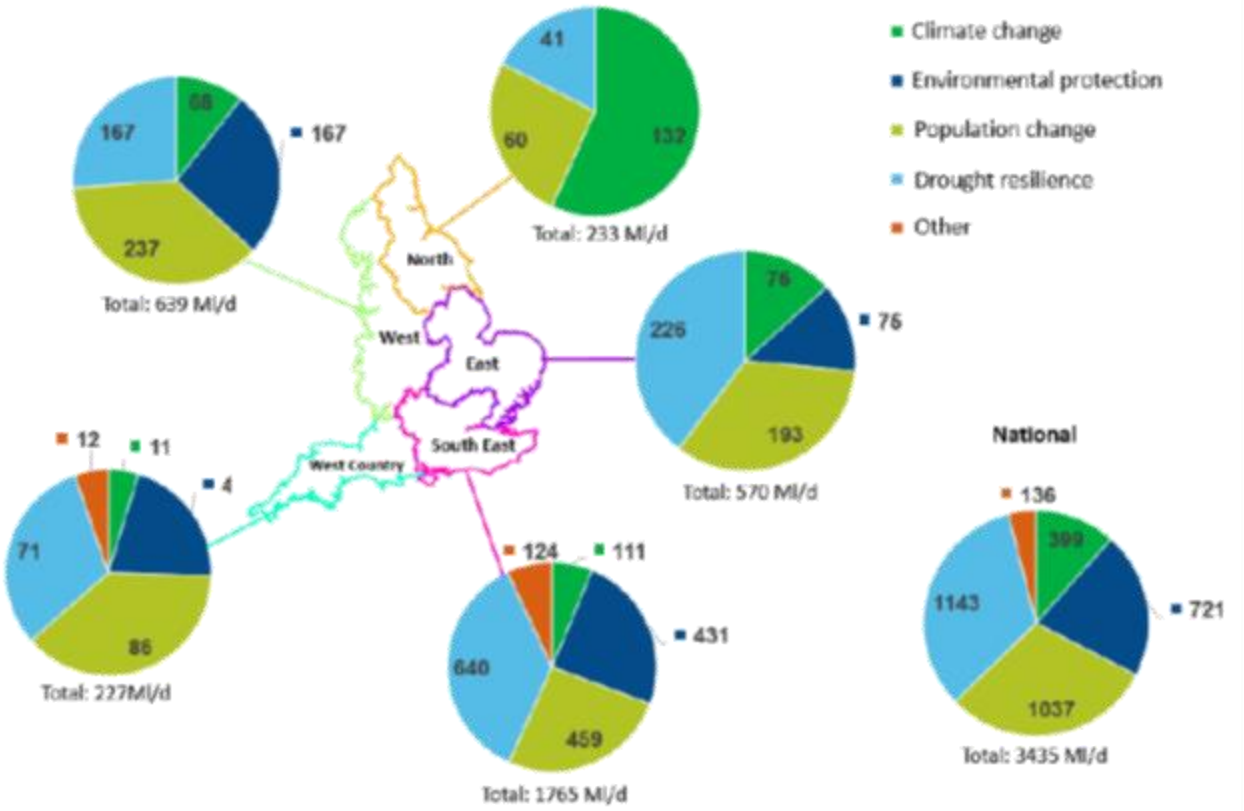
[6] Housing Standards Review Consultation, Department for Communities and Local Government, August 2013

In March 2020, the Environment Agency published the National Framework for Water Resources[7]. This identifies strategic water needs for England and its regions across all sectors up to and beyond 2050. The National Framework identifies that our region faces the second highest pressures on Water Resources. Significantly, the National Framework identifies that increased consumption, driven by population increases, is the largest driver of additional water need in the region. Increased public water supply drought resilience, increased protection for the environment and the impact of climate change reducing water availability of existing supplies also have impacts on water availability (Figure 1).

Based on the best available evidence the National Framework adopted a planning assumption of reducing *average* per capita consumption (PCC) to 110 l/p/d by 2050 nationally. Water Resources West's projections are broadly consistent with that, with average per capita consumption reducing to 111 l/p/d by 2050[8]. These projections are based on forecasts made for the water companies' 2019 WRMPs.

Even with these reductions in consumption, parts of our region will need new water resources to be developed[8]. If the planned reductions are not achieved then more significant and more costly water resources will need to be developed. It is therefore important the measures are taken across the region to support the achievement of the lower per capita consumption.

Figure 1. Extract from the National Framework[7] showing how population growth results in Water Resources West having the second highest pressure on water resources in England. Numbers in the pie charts show the additional water needed by 2050 due to different drivers (in Ml/d).



[7] Meeting our future water needs: a national framework for water resources, Environment Agency, March 2020

[8] Initial Resource Position, Water Resources West, March 2020

Public concern also highlights the need to support water saving. Surveys[9] of water users in North West England and the Midlands have shown that, while there is little general awareness of the issues, once informed 70% are concerned about water scarcity. In addition to running out of water, customers are worried about the potential impact on water bills, restrictions and wastage

Water Framework Directive requirements are set out in River Basin Management Plans. Water efficiency measures have a direct effect in reducing the abstraction from water bodies assessed in those plans. Abstraction in turn affects the hydrological regime of those water bodies. River Basin Management Plans for the Solway Tweed, North West, Dee, Severn and Humber River Basins identify that there are waterbodies within all those areas for which the hydrological regime does not support good status. In turn the hydrological regime can affect water quality, species and habitats.

Changes to the natural flow and level of water is identified as a significant water management issue. Reduced flow and water levels in rivers and groundwater caused by human activity (such as abstraction) can mean that there is not enough water for people to use and wildlife might not be able to survive. Reduced flow affects the health of fish and exaggerates the impacts of barriers such as weirs.

Table 2. WFD classification of waterbodies in 2015 River Basin Management Plans

River Basin District	Percentage of surface water bodies not achieving good ecological status or potential	Percentage of groundwater bodies not achieved good quantitative status
Solway Tweed[10]	54% (305 out of 560)	28% (18 out of 64)
North West[11]	78% (480 out of 613)	11% (2 out of 18)
Humber[12]	86% (839 out of 987)	25% (13 out of 51)
Severn[13]	80% (604 out of 755)	21% (9 out of 42)
Dee[14]	73% (68 out of 93)	0% (0 out of 5)

Summary of evidence on the need for the optional water efficiency standard

As we have seen above, there is a range of evidence on the water stress across the North West and the Midlands. This means there is a clear need for the 110 l/p/d water efficiency standard.

For inclusion in a local plan a local planning authority must be able to demonstrate at examination of the plan that the standard is required to address a clear need and as part of an approach to water efficiency that is consistent with a wider approach to water efficiency as set out in the local water undertaker's water resources management plan. We recommend that the following evidence is cited:

- The classification of moderate water stress for the water supplier in your area (Table 1)[1].
- The National Framework for water resources noting that Water Resources West faces the second highest pressures on water resources in England due largely to population growth[7].
- The National Framework for water resources planning assumption of 110 l/p/d[7].
- The consistency between these planned reductions in consumption between the National Framework, Water Resources West's plans and your water supplier's WRMP[8].

[9] Customer Survey for Severn Trent, Thames Water and United Utilities, Verve, July 2018
[10] River basin management plan for the Solway Tweed river basin district: 2015 update, Environment Agency and Natural Scotland, 21 December 2015
[11] River basin management plan, Part 1: North West river basin district, Environment Agency, December 2015
[12] River basin management plan, Part 1: Humber river basin district, Environment Agency, December 2015
[13] River basin management plan, Part 1: Severn river basin district, Environment Agency, December
[14] Dee River Basin Management Plan 2015 – 2021, Proposed Summary, Natural Resources Wales and Environment Agency, October 2015

- High levels of public concern (70%) in the region, when informed about issues of water scarcity[9].
- Reference to the WFD ecological status of water bodies in your River Basin District, with changes to flow and level recognised as a significant water management issue in the River Basin Management Plan (Table 2).

Water Companies

A consequence of the population and housing growth in our region has meant that water companies have been asked to accommodate the new growth, yet at the same time their abstraction licenses are being reduced. Therefore it is vital that water companies support and are supported in initiatives to help get 110 l/p/d in planning policies across local authorities in the region, to help meet their requirement to supply their customers. The water companies in Water Resources West are Dwr Cymru Welsh Water, Severn Trent, South Staffs and United Utilities.

In preparing your local plan you should consult with your local water supply company on specific local issues.

New Homes

The scale of new development that is needed across our region is immense - the Government aiming for delivery of 300,000 new homes a year across England[15]. Within Water Resources West's region we estimate that there will be 1.6 million new properties by 2050. Yet at the same time there is need to share the already scarce water resources - therefore the need for implementing at least 110 l/p/d into local plans and policies is apparent.

Impact on viability

The cost of installing water-efficient fittings to target a per capita consumption of 110l/d has been estimated as a one-off cost of £9 for a four bedroom house[16]. Research undertaken for the Welsh Government indicated potential annual savings on water and energy bills for householders of £24 per year as a result of such water efficiency measures[17].

The Consumer Council for Water notes that the discretionary, tighter (building) standard of 110 l/p/d is something that should be pursued, also bearing in mind that saving water is not the only a driver of water efficiency[18]. This is because water efficiency could also have a positive effect on reducing energy bills, water bills of metered customers and carbon emissions.

The Greater London Authority carried out a survey of developers to test the viability of the 110 l/p/d standard. The results of this survey[19] made it clear that those associated with the development industry did not consider that the proposed changes would have any impact on building.

Viability is also evidenced by the examples from other local authorities who have adopted the standard. South Worcestershire adopted the 110 l/p/d standard in its February 2016 local plan. The standard remains the preferred option for next local plan. See the case study below. Bromsgrove and Redditch councils cooperated to require the 110 l/p/d standard for certain developments in their plans which were adopted in January 2017. Another example is Nottingham City Council who adopted the 110 l/p/d standard for all new dwellings in January 2020.

[15] Planning for the Future, Ministry of Housing, Communities and Local Government, March 2020
[16] Housing Standards Review Cost Impacts, Department for Communities and Local Government, September 2014
[17] Advice on water efficient new homes for England, Waterwise, September 2018
[18] Response to Defra consultation on measures to reduce personal water use, Consumer Council for Water, October 2019
[19] Greater London Authority Housing Standards Review: Evidence Of Need, David Lock Associates, May 2015

Water efficiency is therefore not only viable but of positive economic benefit to both private homeowners and tenants.

Water Calculator

The Water Calculator was developed to help provide a working example of the calculator used for part G of the building regulations. It uses the method set out in the 'Water Efficiency Calculator for New Dwellings'[20] . The Water Calculator contains information on water consumption for hundreds of products, enabling quick and easy specification, without the hassle of gathering data from several product manufacturers. To access the water calculator visit: www.thewatercalculator.org.uk

Case study

South Worcestershire's current local plan was adopted, following examination, in February 2016[21]. It is a major sub-regional land use plan, prepared jointly by the three South Worcestershire Councils; Malvern Hills, Worcester City and Wychavon working together. Within the local plan, policy SWDP30c states that "for housing proposals, it must be demonstrated that the daily non-recycled water use per person will not exceed 110 l/p/d". The reasoned justification for this policy highlights the following factors:

- This policy is central to the council's response to the Framework, which advocates that local plans incorporate strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Climate Change Act 2008 over the longer term. This includes factors such as flood risk, water supply and changes to biodiversity.
- Without effective local planning and risk management, the consequences of climate change may also have a significant detrimental impact on budgets and service delivery. It may also compromise the Government's ability to meet the statutory requirements under the Climate Change Act 2008.
- Local planning authorities have a general responsibility not to compromise the achievement of United Kingdom compliance with the Water Framework Directive (WFD(68)) (Directive 2000/60/EC). More specifically, the local plan has to take into account the River Severn Basin Management Plan, which in itself is a requirement of the WFD. All surface water bodies need to achieve "good ecological status" by 2015.
- The Localism Act 2011 enables the UK government to require local authorities to pay if their inaction results in a failure to meet WFD requirements.
- The Localism Act 2011 also requires local planning authorities to co-operate on strategic cross-boundary matters, for example the provision of water supply infrastructure, water quality, water supply and enhancement of the natural environment. Consequently, there is a need for developers to engage positively with the local water supplier to ensure that all the necessary infrastructure is secured, so as to ensure that there is no deterioration in the quality or quantity of water of the receiving water body(ies) and to avoid delays in the delivery of development.
- The 2006 Natural Environment and Rural Communities (NERC) Act imposes a duty on local planning authorities to have regard to conserving biodiversity in carrying out all of their functions.
- The South Worcestershire Water Cycle Study looks at the level of planned growth and the ability of the infrastructure (i.e. water supply and waste water treatment) to accommodate it without adversely affecting the natural water cycle. It identifies an overall shortage in future water supplies that necessitates the delivery of minimum water efficiency targets.
- The effective management of water is considered critical in the pursuit of sustainable development and communities. It reduces the impact flooding can have on the community, maintains water quality and quantity and helps to enhance local amenity / property value and biodiversity through the provision of Green Infrastructure. Effective water management also reduces the movement of water and sewage, thereby reducing energy requirements. Development proposals incorporating grey

[20] Appendix A of Approved Document G, The Building Regulations 2010, HM Government 2015 edition with 2016 amendments

[21] South Worcestershire Development Plan, Adopted, February 2016.

water recycling will therefore be supported and opportunities for the retrofitting of water efficiency measures will be encouraged.

The South Worcestershire Councils are currently preparing the next local plan. Following consultation its Preferred Options report[22] was published in November 2019. In relation to water efficiency the preferred option is to require new dwellings to meet the tighter Building Regulations optional requirement of 110 l/p/d as per the adopted policy.

Recommendations

There is firm evidence in across the North West and the Midlands that clearly justifies the need for more stringent water efficiency targets for new residential development. Local Authorities should consider all the factors in their local plans and we strongly recommend they adopt 110 l/p/d for water efficiency using the suggested wording below:

> **All new residential development must achieve as a minimum the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.**

Past experience has shown that successful adoption of 110l/p/d in local plans requires the following:

1. Significant engagement and consultation is required in developing local plans, including engagement with key stakeholders and public sector partners, responsible for delivering a range of services and infrastructure.
2. Recommend local plans are subject to public consultations (many people are concerned about water) and that where appropriate, comments from the public help shape the contents of this plan and helps with public buy-in.
3. Local plans should actively encourage the design of new buildings that minimise the need for energy and water consumption, use renewable energy sources, provide for sustainable drainage, support water re-use and incorporate facilities to recycling of waste and resources.
4. Local plans should have a positive approach to the adaptation of climate change –
    - by avoiding development in areas at greatest risk of flooding, and
    - promoting sustainable drainage, and
    - challenging water efficiency standards.

[22] South Worcestershire Development Plan Review, Preferred Options Consultation, November 2019.

Appendix 1. Extract from Part G of the Building Regulations

Extract from Part G of Building Regulations

Optional requirement

2.8 The optional requirement only applies where a condition that the dwelling should meet the optional requirement is imposed as part of the process of granting planning permission. Where it applies, the estimated consumption of wholesome water calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day.

2.9 The person carrying out the work must inform the ***BCB*** where the optional requirement applies.

2.10 As an alternative to calculating the water consumption (as paragraph 2.8), a fittings approach that is based on the water efficiency calculator methodology may be used.

2.11 Where the fittings approach is used, the water consumption of the fittings provided must not exceed the values in Table 2.2. If they do, the water efficiency calculator must be completed to demonstrate compliance. Similarly, where a shower is not to be provided or where a waste disposal unit, a water softener or water re-use is to be provided the water efficiency calculator must be completed.

2.12 Where the fittings approach is used, the notice given under regulation 37 should state "Less than 110 litres/person/day using fittings approach".

Table 2.2 **Maximum fittings consumption optional requirement level**

Water fitting	Maximum consumption
WC	4/2.6 litres dual flush
Shower	8 l/min
Bath	170 litres
Basin taps	5 l/min
Sink taps	6 l/min
Dishwasher	1.25 l/place setting
Washing machine	8.17 l/kilogram

Appendix 2 NPPF Planning Practice Guidance
Housing: optional technical standards, Water efficiency standards[23]

Can local planning authorities require a tighter water efficiency standard in new dwellings?
In setting out how the planning system should contribute to the achievement of sustainable development, the National Planning Policy Framework and guidance makes clear this includes planning to provide the high quality housing required to meet the needs of present and future generations, and helping to use natural resources prudently. The Framework's policies expect local planning authorities to adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations. Early engagement between local planning authorities and water companies can help ensure the necessary water infrastructure is put in place to support new development. See water supply guidance. The local planning authority may also consider whether a tighter water efficiency requirement for new homes is justified to help manage demand.
Paragraph: 013 Reference ID: 56-013-20150327

Revision date: 27 03 2015

What standard should be applied to new homes?
All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day.
Paragraph: 014 Reference ID: 56-014-20150327

Revision date: 27 03 2015

How should local planning authorities establish a clear need?
It will be for a local planning authority to establish a clear need based on:

- existing sources of evidence.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. See paragraph 003 of the water supply guidance
- consideration of the impact on viability and housing supply of such a requirement.

Paragraph: 015 Reference ID: 56-015-20150327

Revision date: 27 03 2015

What are the existing sources of evidence?

Primary sources of evidence which might support a tighter water efficiency standard for new dwellings are:

- The Environment Agency Water Stressed Areas Classification (2013) which identifies areas of serious water stress where household demand for water is (or is likely to be) a high proportion of the current effective rainfall available to meet that demand.
- Water resource management plans produced by water companies.
- River Basin Management Plans which describe the river basin district and the pressure that the water environment faces. These include information on where water resources are contributing to a water body

[23] https://www.gov.uk/guidance/housing-optional-technical-standards#water-efficiency-standards

being classified as 'at risk' or 'probably at risk' of failing to achieve good ecological status, due to low flows or reduced water availability.

In addition to these primary data sources, locally specific evidence may also be available, for example collaborative 'water cycle studies' may have been carried out in areas of high growth.

Paragraph: 016 Reference ID: 56-016-20150327

Revision date: 27 03 2015

Where can I find out more about the water efficiency standard?
See further information on the water efficiency standard.

Paragraph: 017 Reference ID: 56-017-20150327

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