



High Peak Borough Council
Planning Policy Team – Regeneration Service
P O Box 136
Buxton SK17 1AQ
For the attention of Joanna Bagnall

SENT BY E-MAIL AND POST

10 August 2015

Dear Ms Bagnall

**HIGH PEAK LOCAL PLAN – OPTIONAL BUILDING REGULATION
REQUIREMENT FOR WATER EFFICIENCY**

Thank you for your letter dated 29th June 2015 and for consulting with the Home Builders Federation (HBF) on the above mentioned matter. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new “for sale” market housing built in England and Wales as well as a large proportion of newly built affordable housing.

As you know the Government wishes to streamline the planning system and rationalise many differing existing standards into a simpler system which will reduce policy burdens and increase the delivery of more housing. The Deregulation Bill 2015, which received Royal Assent in March 2015, specifies that Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Now the only technical standards that can be considered and incorporated into Development Planning Documents (DPDs) are restricted to the nationally described space standard, an optional requirement for water usage and optional requirements for adaptable / accessible dwellings.

In the Main Modifications Examination Document (U2) the Council is proposing two modifications in relation to the optional requirement for water usage which state :-

- *“Since the Government has withdrawn the Code for Sustainable Homes and replaced it with new optional technical housing standards, as appropriate, the Council will introduce Building Regulations optional requirements in relation to water in the Buxton Sub-Area, subject to a viability assessment. As discussed in relation to Policy S7(Buxton Sub-Area Strategy), enhanced water efficiency standards are required in*

the Buxton Sub-Area in order to minimise the phosphate load into the River Wye from the Buxton Sewage Treatment Works. The River Wye forms part of the Peak District Dales Special Area of Conservation (SAC) where phosphate levels have been highlighted as a potential concern in the Habitat Regulations Assessment” (M71) ;

- *“The Government has withdrawn the Code for Sustainable Homes and replaced it with new optional technical housing standards. The Council will apply Building Regulations optional requirements in relation to water in the Buxton Sub-Area as required to minimise the phosphate load to the River Wye via discharges from the Buxton Sewage Treatment Works, subject to a viability assessment” (M253).*

The Council’s evidence to justify Main Modifications **M71** and **M253** are derived from :-

- The Habitats Regulations Assessment Report (Local Plan Examination Library Reference F4) ;
- River Basin Management Plan for the Humber River Basin District (currently not included in the evidence in the Local Plan Examination Library) ;
- Severn Trent Water Final Resources Management Plan 2014 (currently not included in the evidence in the Local Plan Examination Library).

It is the HBF’s considered opinion that the Council is misapplying the optional requirement for a higher water efficiency standard in its Local Plan policies as set out in **M71** and **M253** because in its own evidence the Council acknowledges that the Buxton sub-area of the Peak District is not an area classified as subject to serious water stress.

The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The acceptable approach is set out in the NPPG - Housing Optional Technical Standards – Water Efficiency Standards section (ID 56-013-20150327 to 56-017-20150327) :-

- *“helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand” (our emphasis).*

Whilst the NPPG (ID 56-016-20150327) refers to River Basin Management Plans it is in the context of :-

- *“... the pressure that the water environment faces. These include information on where water resources are contributing to a water body being classified as ‘at risk’ or ‘probably at risk’ of failing to achieve good ecological status, due to low flows or reduced water availability” (our emphasis).*

Moreover the NPPG emphasis is on ensuring that necessary water infrastructure is available :-

- *“... early engagement between Local Planning Authorities and Water Companies can help ensure the necessary water infrastructure is put in place to support new development”.*

The provision of infrastructure is also covered under the Water Supply, Waste Water and Water Quality section of the NPPG (ID 34-001-20140306 to ID 34-014-20140306) :-

- *“early discussions between Local Planning Authorities and Water and Sewerage Companies, so that proposed growth and environmental objectives are reflected in company business plans, will help ensure that the necessary infrastructure is funded” (ID 34-002-20140306) ;*
- *“this requires them to invest in infrastructure suitable to meet the demands of projected population growth. There is also statutory provision for developers to fund additional sewerage infrastructure required to accommodate flows from a proposed development” (ID 34-004-20150306).*

The application of the optional water efficiency standard to deal with the achievement of phosphate targets in the River Wye as proposed by the Council is inappropriate. It is incumbent on the Council to determine the facts through consideration of the potential impact on water quality of all forms of development including established agricultural uses. It may be that surface water run off created by agricultural practises is compromising water quality rather than residential development therefore a reduction in water usage in new residential developments is not be an appropriate mitigation measure. The problem is not one of water usage in a water stressed area. The problem is the lack of infrastructure capacity to deal with waste water to meet phosphate targets in the River Wye therefore the Council’s focus should be on the provision of necessary infrastructure.

For the High Peak Local Plan to be found sound under the four tests of soundness as defined by paragraph 182 of the NPPF, the Plan must be positively prepared, justified, effective and compliant with national policy. It is the HBF’s opinion that Main Modifications M71 and M253 are non-compliant with the NPPF, not positively prepared, not properly justified and likely to be ineffective. We trust that our comments will be helpful in informing the next stages of the High Peak Local Plan and in this regard we would wish to attend any resumed Examination Hearing Sessions to discuss this matter in greater detail. In the meantime if the Council requires any further assistance or information please contact the undersigned.

Yours sincerely
for and on behalf of **HBF**



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